

OFFICE OF ADMINISTRATIVE HEARINGS
SPECIAL EDUCATION DIVISION
STATE OF CALIFORNIA

SPECIAL EDUCATION ADVISORY COMMITTEE MEETING

MAY 10, 2013

10:00 A.M. - 1:00 P.M.

JOINT SESSION

SACRAMENTO, CALIFORNIA
VAN NUYS, CALIFORNIA

Official Transcriber: Corinne Yanosy

COMMITTEE MEMBERS PRESENT:

NORTHERN CALIFORNIA

TRACI BEAN
VALERIE MULHOLLEN
MARCY GUTIERREZ
MARY PEITSO

SAM NEUSTADT
MARY PEITSO

SOUTHERN CALIFORNIA

MARGARET DALTON
ELIAS ECONOMOU
CAROL LALLY
MIHO MURAI
COLE DALTON
MARGARET ADAMS

COMMITTEE MEMBERS NOT PRESENT:

STEPHEN COCHRANE
AMY FOODY
SUNDEE JOHNSON
BLANCA SIEBELS
SUSIE MALLOY
KENT REZOWALLI
CATHERINE SHERMAN
LOREN SOUKUP

ALSO PRESENT:

JUDGE JUDITH KOPEK, Administrative Law Judge
MELISSA CROWELL, Deputy Director
JUDGE BOB VARMA
JUDGE RICHARD BREEN
JUDGE MARGARET BROUSSARD
JUDGE SABRINA KONG

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE KOPEC: All right. Van Nuys, you ready to go live?

ADMINISTRATIVE LAW JUDGE BREEN: Yes, Judge Kopec. Are we waiting for Ms. Adams or we (overlapping) --

ADMINISTRATIVE LAW JUDGE KOPEC: No, as you have four --

ADMINISTRATIVE LAW JUDGE BREEN: Yes.

ADMINISTRATIVE LAW JUDGE KOPEC: We have five here in Sacramento. We have a quorum in both locations and we can go ahead and get started.

ADMINISTRATIVE LAW JUDGE BREEN: Okay.

ADMINISTRATIVE LAW JUDGE KOPEC: All right. We ready to go live? Okay. Well, good morning, everybody. This is the spring meeting of the Office of Administrative Hearings, Special Education Committee. I am Judith Kopec, the Presiding Administrative Law Judge in Sacramento for the Special Education Division. I welcome all of our members, and members of the public here in Sacramento, as well as our Van Nuys location, and everybody watching in cyber land on our webcast. Very pleased that each of you are able to join us this morning.

Our first order of business, as usual, is to see if any of the committee members would like to serve as facilitator for the meeting. Here in Northern California,

1 any volunteers? If not, would there be any objection to me
2 serving as the facilitator?

3 UNIDENTIFIED FEMALE: No objection.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Thank you
5 very much. I'd be more than happy to do that. And in Van
6 Nuys, would any committee member like to serve as
7 facilitator? Would there be any objection to Judge Breen
8 serving as facilitator?

9 UNIDENTIFIED FEMALE: No objection.

10 ADMINISTRATIVE LAW JUDGE KOPEC: All right.

11 ADMINISTRATIVE LAW JUDGE BREEN: No objection from
12 the committee members.

13 ADMINISTRATIVE LAW JUDGE KOPEC: All right.
14 Terrific. Thank you very much. The second item would be to
15 see if any committee members would like to serve as note
16 taker to just take notes concerning the meeting this
17 morning. Any interested note takers?

18 MS. GUTIERREZ: I'll take the notes.

19 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Terrific.
20 Thank you, Ms. Gutierrez. And in Southern California?

21 ADMINISTRATIVE LAW JUDGE BREEN: I'm shocked; Ms.
22 Murai has raised her hand.

23 ADMINISTRATIVE LAW JUDGE KOPEC: All right. Ms.
24 Murai, that seems to be your role, and I appreciate your
25 doing that over the next -- last several meetings. Okay.

1 What I'd like to do is have each of the committee members go
2 ahead and introduce themselves starting in Northern
3 California, and let's start with Ms. Bean.

4 MS. BEAN: I'm Traci Bean. Do we need to say
5 anything else or just our name?

6 ADMINISTRATIVE LAW JUDGE KOPEC: Whatever you'd
7 like to say in terms of introduction. Maybe your commitment
8 -- your connection to special ed --

9 MS. BEAN: I'm a speech/language pathologist. I
10 have a daughter that is in special ed and I am also the
11 clinic director for Total Education Solutions, and we're a
12 non-public agency providing special ed services.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Terrific.
14 Welcome.

15 ADMINISTRATIVE LAW JUDGE VANDEVERE: Ms. Peitso?

16 MS. PEITSO: I'm Mary Peitso, I have a son who
17 will be 16 soon with Asperger's Syndrome, and a daughter
18 who's 12 with dyslexia, and I also advocate on behalf of
19 other families.

20 ADMINISTRATIVE LAW JUDGE KOPEC: Welcome.

21 MS. PEITSO: Thank you.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Mr. Neustadt?

23 MS. NEUSTADT: Sam Neustadt, I'm the assistant
24 superintendent of the Salinas SELPA, representing the State
25 SELPA Association.

1 ADMINISTRATIVE LAW JUDGE KOPEC: Perfect. And I'd
2 like to welcome Ms. Mulhollen, she is a new member. She
3 replaced Margaret Broussard, who has joined the Office of
4 Administrative Hearings as an Administrative Law Judge. So
5 welcome, Ms. Mulhollen.

6 MS. MULHOLLEN: Valerie Mulhollen. I am a special
7 education attorney representing the parents and children,
8 and I was formerly a teacher for emotionally disturbed
9 children for about ten years.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Welcome. And Ms.
11 Gutierrez?

12 MS. GUTIERREZ: And my name is Marcy Gutierrez,
13 I'm an attorney that represents school districts. I'm with
14 the law firm of Lozano Smith, and I formerly was a high
15 school teacher.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Welcome. And in
17 Van Nuys, I'll turn it over to Judge Breen.

18 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And
19 starting on my right.

20 MS. DALTON: I'm Cole Dalton, I'm an attorney
21 working with school districts and occasionally parents. I
22 think that's it.

23 MR. ECONOMOU: Eli Economou, I'm a student side
24 attorney.

25 MS. MURAI: Miho Miry, I'm a -- I represent

1 students and parents, and I also was a former elementary
2 school teacher.

3 MS. LALLY: Carol Lally, I am the parent of a
4 child with special needs, and I am the chair of the CAC from
5 Southwest SELPA.

6 ADMINISTRATIVE LAW JUDGE KOPEC: And that's -- I
7 take it that's all the members in Van Nuys?

8 ADMINISTRATIVE LAW JUDGE BREEN: Plus one.

9 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

10 MS. ADAMS: Margaret Adams, I represent parents.

11 ADMINISTRATIVE LAW JUDGE BREEN: Just in time, Ms.
12 Adams.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Thank you very
14 much, Ms. Adams. I appreciate it. You may find a voicemail
15 message from me, but I'm glad that you're here. We just had
16 (inaudible). All right. Thank you and welcome to all the
17 members. What I would like to do next is introduce the
18 Office of Administrative Hearings staff who are here with us
19 today. And first off I would like to introduce our new
20 Deputy Director, Melissa Crowell.

21 MS. CROWELL: Good morning, everyone. And on
22 behalf of Linda Cabatic, Director of Office of
23 Administrative Hearings, I'd like to welcome you all to
24 today's meeting. I look forward to working with all of you,
25 and learning from all of you, who so generously donate your

1 time, talent, and skill to the Office of Administrative
2 Hearings and to provide feedback to us on the conducting of
3 our hearings and mediation. So thank you all for letting me
4 sit in and learn from all of you, and I look forward to
5 hearing.

6 ADMINISTRATIVE LAW JUDGE KOPEC: Thank you. And
7 here in Sacramento we have Presiding Administrative Law
8 Judge Varma, and we also have our new -- newest
9 Administrative Law Judge in Sacramento, Margaret Broussard.
10 Okay. Turning it over to Judge Breen.

11 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Here in
12 Van Nuys I am presiding Administrative Law Judge Richard
13 Breen and with me is one of my -- my newly hired ALJ Sabrina
14 Kong.

15 ADMINISTRATIVE LAW JUDGE KONG: Good to be on
16 board.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Terrific. At
18 this time, because we do have a new member, what I'd like to
19 do is just very briefly summarize the general process for
20 our advisory committee meetings. We do have the agenda.
21 There were two items on the agenda that were offered by Ms.
22 Murai; items 3-A and 3-B. So we will begin with those items
23 and have her provide us -- you know, her concerns and ideas
24 concerning those items.

25 Then we will turn to general discussion among the

1 Advisory Committee Members. If we have comments from the
2 public that Judge Varma is monitoring on this -- on each
3 item, we will hear from members of the public. And then if
4 the Advisory Committee -- if any of the members wish to
5 provide a recommendation on that particular item, they then
6 propose the recommendation, I ask whether it is seconded,
7 and then we have discussion on that and if necessary revise
8 the recommendation.

9 Each Advisory Committee will then vote on it in
10 Northern California and Southern California, and then at the
11 end of the meeting I will prepare the Office of
12 Administrative Hearings responses to each of those items.
13 Any questions concerning the process? No? Okay. Hearing
14 none.

15 The next item I'd like to talk about is since this
16 is the second and final meeting for this '12-'13 fiscal
17 year, there are Advisory Committee members whose two year
18 term is up, and I want to encourage you to reapply.

19 In Northern California we have Katherine Sherman,
20 Ms. Bean, and Ms. Gutierrez. And in Southern California we
21 have Ms. Johnson and Ms. Foote (phonetic). In addition, we
22 have an application and information about the Advisory
23 Committee posted on our website. I believe it went out to
24 the LISTSERV, and I'm going to be sending another reminder
25 to the LISTSERV. The application is fairly straight

1 forward, and not too onerous. And it is due to the Office
2 of Administrative Hearings by June 15th.

3 So we hope that those of you have served for two
4 years, please reapply. If there are others in your
5 community that you think would be interested in the Advisory
6 Committee, I encourage you to let them know. Any questions
7 or comments in that regard? Okay.

8 The next item was to discuss staff changes at the
9 Office of Administrative Hearings, but since both the
10 Administrative Law Judge Broussard and Administrative Law
11 Judge Kong are here, they were the two new additions to our
12 OAH staff.

13 I also wanted to let you know that we are
14 recruiting also for the Van Nuys -- an opening we have in
15 Van Nuys. The filing date has concluded and so the
16 presiding judges will be reviewing those applications and
17 going through the selection process for that position. Any
18 questions or comments before we move into the substantive
19 items? Okay. Terrific.

20 The first substantive item we have concerning our
21 hearing and mediation processes is from Ms. Murai,
22 concerning attendance and expectation of Advisory Committee
23 members.

24 MS. MURAI: I guess my main concern was just that
25 we've had some issues with quorum, and that we only meet

1 twice a year, so I don't know if there can be -- I was
2 trying to think about -- because we are all volunteers, and
3 so it would be hard to get volunteers to participate
4 regularly, but I think there has to be some kind of a --
5 maybe something that we have to sign, or something, where
6 when we sign up to be on the committee that we have to --
7 like, for example, I'm sick, very sick, but I'm here because
8 we meet twice a year and I think it's really important that
9 we are committed to something, that we stay committed to it.

10 And so I don't -- not to say anything negative
11 about the others because I don't know why they're not here,
12 whatnot, but I think my main concern is just that we do have
13 quorum so that we can go forward. And I apologize for my
14 delay today, as well, but I think -- and I don't know, I
15 guess I just wanted to raise that as an issue.

16 And then I guess the other thing is just kind of
17 expectations, and I think it kind of goes aligned with the
18 second agenda item about increasing outreach because I was
19 looking on the website -- and I'm going to kind of go into
20 that, I hope that's okay -- but I know it said that due to
21 budgetary concerns the outreach program was cancelled. I
22 don't know (overlapping) --

23 ADMINISTRATIVE LAW JUDGE KOPEC: I'm sorry --

24 MR. MIRY: -- and so maybe if our -- part of our
25 roles as the Advisory Committee could be maybe doing some

1 outreach, or something along that line.

2 But again, I think that it would be important that
3 we, as members, have to sign something saying that we're
4 doing outreach to educate and not to recruit (inaudible).
5 So that was just kind of my -- so I guess I kind of wanted
6 to (inaudible) and that was (inaudible) people that are
7 committed improving OAH will be applying and will get
8 (inaudible), and then also maybe our responsibility to be
9 (inaudible) for the reasons that -- why we're on it.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. As I
11 understand -- you know, from your comments I think you -- a
12 specific suggestion was that upon appointment that committee
13 members sign something acknowledging that they're committed
14 to attending the meetings; is that correct?

15 MS. MURAI: Yes, correct.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And I
17 appreciate you coming; it certainly sounds like you're
18 suffering from the virus that many of us have labored under
19 for most of the -- it feels like forever, but most of the
20 winter and into the spring, so I very much appreciate your
21 attendance.

22 Are there any other items -- any other issues or
23 suggestions that you wanted us to consider concerning
24 attendance?

25 MS. MURAI: I think also, in terms of the

1 expectations and attendance, it kind of was there by other
2 committee, is I think -- I was looking at the -- I don't --
3 it's somewhat related, but I was looking at the 2009-10
4 Advisory Committee members, that was all posted on the
5 website, and it kind of indicates the different roles of
6 each person on it. Like Tamara Brock (phonetic) was on it,
7 it says parent, Patricia Gamble (phonetic) for parent, where
8 as with ours now a different list who we -- what -- who
9 (inaudible) is, and so that -- I think to me that would also
10 encourage parents -- more parents to participate, because I
11 think from what I've gathered from the parents that I've
12 spoken to, a lot of them are intimidated to apply because
13 there a lot of attorneys on the committee.

14 But I think, at least from what I'm looking at the
15 mission is, is really to try to encourage parents to get
16 more involved in this. So I think that would -- if -- it
17 indicates -- even if we have a dual role, because I think
18 some of you -- some of the people here said they're an
19 attorney for so and so, and a parent. I think that would
20 encourage people to -- more -- more parents to apply.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Terrific. At
22 this point, do you want to offer a recommendation, or would
23 we -- should we open it -- would you prefer we opened it up
24 for general discussion among the Advisory Committee members
25 at this point?

1 MS. MURAI: Maybe we can open it up for
2 discussion.

3 ADMINISTRATIVE LAW JUDGE KOPEC: For discussion?
4 Okay.

5 MS. MURAI: (Overlapping).

6 ADMINISTRATIVE LAW JUDGE KOPEC: Let's start --
7 oh, that's all right. Starting in Van Nuys, any comment?

8 ADMINISTRATIVE LAW JUDGE BREEN: Starting with the
9 committee members, any comments on Ms. Murai's suggestions
10 regarding encouraging attendance of Advisory Committee
11 members and including the roles of Advisory Committee
12 members on list to try to encourage parent participation?
13 Any comments over here?

14 MS. ADAMS: I like the idea of including our role.
15 I didn't realize that hadn't been on there; I hadn't checked
16 the list for a while, but I think you're right. I think it
17 would help the parents feel, possibly, less intimidated.

18 MS. LALLY: Maybe I should say something as a
19 parent, since I am a parent representative, I'm not -- I am
20 actually an attorney, but I'm not a special education
21 attorney. I think that probably would be helpful. I think
22 parents -- that's my experience, parents are both
23 intimidated and also -- you know, obviously not as well
24 informed as the legal community about exactly the role of
25 the committee and the role of the Agency. So I think that

1 would be helpful.

2 As the chair of the CAC, which is also a volunteer
3 parent committee for the SELPA, we sometimes have the same
4 problems getting a quorum as well. And I think it's an
5 inherent problem with it being a volunteer organization. I
6 don't know if asking people to sign something would impress
7 upon them more the seriousness of the commitment, or if
8 would add to the intimidation factor for the parents, and of
9 course wouldn't really be binding anyway.

10 But you know, I'm not necessarily opposed to the
11 idea, I'm just not sure if that would serve the purposes.
12 And if -- I mean, if anybody has an ideas for increasing
13 attendance and volunteer (inaudible), I'm happy to hear them
14 for this and for my role in SELPA.

15 MR. NEUSTADT: A point of order, if people could
16 say their names before -- I mean, they're tiny (inaudible)
17 so I can't read their name tags.

18 ADMINISTRATIVE LAW JUDGE KOPEC: That's a great
19 idea. So if committee members could just very briefly
20 identify yourself, that would be very helpful both to us and
21 for those watching the webcast.

22 ADMINISTRATIVE LAW JUDGE BREEN: And just to
23 recap, the first comment was by Ms. Adams and the second
24 comment was by Ms. Lally.

25 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Terrific.

1 Thank you. Any additional comments from Southern
2 California? Or --

3 ADMINISTRATIVE LAW JUDGE BREEN: None.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. How about
5 Northern California?

6 MR. NEUSTADT: Well, I have one. Sam Neustadt.
7 And that simply is at the first meeting -- we obviously sign
8 up with the intent of participating, otherwise we wouldn't
9 sign up in the first place.

10 But that said, these meetings are held at the
11 pleasure of OAH, and properly so. Hearings don't tend to
12 happen on Friday so that's a great day, from your
13 perspective. From our perspective, the SELPA Association
14 meets once a month, Wednesday, Thursday, Friday, the first
15 Wednesday, Thursday, Friday of the month. So by design if
16 you pick that Friday, we have a conflict. So if that could
17 be taken into consideration, we certainly could do a better
18 job of being available for these meetings.

19 ADMINISTRATIVE LAW JUDGE KOPEC: I appreciate that
20 -- you know -- actually, we talk at the end of the meeting
21 about the tentative date for the next meeting, and I was
22 thinking that it was going to be the second Friday in
23 October. So you can make a point of not scheduling them on
24 the first Friday of the month.

25 MR. NEUSTADT: Great. And that's not a perfect

1 science either, to be honest with you. Sometimes -- because
2 of -- you know, a conference of whatever, they shift it a
3 week, or whatever, but a little consideration would be much
4 appreciated. Thank you.

5 ADMINISTRATIVE LAW JUDGE KOPEC: Terrific. Thank
6 you. Anyone else here in Northern California?

7 UNIDENTIFIED FEMALE: I like that the meetings are
8 posted. There was that one, I believe it was sometime last
9 year, where it -- wasn't held on the -- on the date that was
10 proposed, and I almost wasn't able to make it to the new
11 date, but you know, I was able to work things out with
12 enough notice. But -- you know, the closer we can stick to
13 what the date is that proposed, would be very helpful.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Right. That's
15 what I try to do for this meeting, and it's certainly our
16 intent to do that. So --

17 UNIDENTIFIED FEMALE: But things come up, and
18 that --

19 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah. So at the
20 end of the meeting when we discuss the date, you know, by
21 all means people have any input, in terms of that date, or
22 proposed other dates, we can certainly discuss it. Any
23 comments in Northern California concerning additional
24 expectations being clarified, in terms of the role, or --

25 MS. MULHOLLEN: I'm Valerie Mulhollen, and I would

1 say I -- maybe it would help to have you have some sort of a
2 response from people if they're planning to attend. So that
3 you could then know that she's giving birth, and she -- you
4 know, like so you would know ahead of time that you probably
5 wouldn't have quorum because people were unavoidably
6 delayed. So if there was some sort of a check in for the
7 offices from -- the hearing office.

8 ADMINISTRATIVE LAW JUDGE KOPEC: That's a great
9 idea.

10 MS. GUTIERREZ: This is Marcy Gutierrez, I don't
11 know if this is possible, whether it would require an
12 amendment of the bylaws, but if someone who is a current
13 Advisory Committee member has an unavoidable reason that
14 they cannot attend, would we be able to have a designee
15 attend in our place to keep the quorum?

16 ADMINISTRATIVE LAW JUDGE KOPEC: All right. Any
17 comments in Northern California concerning the concept of
18 having a designee? Do you want to propose that as a
19 recommendation, or just see what -- how people feel at this
20 point?

21 MS. GUTIERREZ: Let's go ahead and propose it as a
22 recommendation.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So Ms.
24 Gutierrez recommends that OAH adopt a policy that if an
25 Advisory Committee member is aware that he or she is unable

1 to attend, that the member be able to appoint a designee to
2 attend in the member's absence. Does that accurately
3 describe the recommendation?

4 MS. GUTIERREZ: Yes, it does. Thank you.

5 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Do we have
6 a second on that?

7 MS. PEITSO: I'll second.

8 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Ms. Peitso
9 seconds that recommendation. In Northern California any
10 further discussion?

11 MS. MULHOLLEN: Valerie Mulhollen again, and I
12 would say that if we're going to have that policy then it
13 probably would need to be that we find designees and have
14 them vetted by the hearing office, because I could pick
15 anyone to come into the meeting otherwise, and they may or
16 may not be appropriate, or may or may not meet your
17 standards.

18 ADMINISTRATIVE LAW JUDGE KOPEC: Do you want to
19 propose that as an amendment to the recommendation?

20 MS. MULHOLLEN: I would propose that -- yes, that
21 we -- that the members are allowed to have a designee that
22 is vetting by the hearing office.

23 ADMINISTRATIVE LAW JUDGE KOPEC: All right. And,
24 Ms. Gutierrez, is that acceptable to you?

25 MS. GUTIERREZ: Yes, I think that's a good

1 suggestion.

2 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Any
3 further comment on that recommendation as amended here in
4 Northern California?

5 MR. NEUSTADT: Just two brief thoughts. One, if
6 membership changes up it's very difficult to get a continued
7 conversation happening, sometimes we've found. So at the
8 same time there's -- there is a need to move an agenda
9 forward.

10 There are some SELPA's that have voting rules that
11 say a majority of those present constitutes a quorum, and
12 thereby you always have a quorum, even of only one person
13 shows up. That might not give you the breadth of input that
14 you want, but it is a way to move things forward as an
15 alternative. I'm not suggesting that as a recommendation;
16 just saying there are options.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Anything else in
18 Northern California? Ms. Bean?

19 MS. BEAN: Traci Bean. Yeah, my question to you
20 is -- Judge Kopec, are -- there are nine people chosen for
21 each committee, are there ever more than nine (inaudible)
22 where one can be chosen as, like, an alternate. As an
23 alternate. Are there ever more?

24 ADMINISTRATIVE LAW JUDGE KOPEC: Actually --
25 certainly the last time -- last spring we had -- if I --

1 memory serves, we had lots of members -- lots of individuals
2 applying. So you would be proposing an alternate? Would
3 this be as an amendment to the existing recommendation that
4 -- or maybe a separate recommendation, and instead --

5 MS. BEAN: (Overlapping) a separate recommendation
6 that rather than it be -- what Ms. Mulhollen proposed, that
7 it would be someone that had already applied who was -- who
8 had placed an interest and want to be on the Committee to
9 begin with.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So let's
11 do this; I have mentioned in the past -- I don't know that I
12 mentioned it today -- I forgot -- that we don't follow
13 strict Roberts rules of order, but what we try to do is keep
14 things focused so that -- so what I'd like to do is come
15 back to your idea, since it is a separate recommendation.
16 If I don't turn to you, please don't let us move on
17 without --

18 MS. GUTIERREZ: Okay.

19 ADMINISTRATIVE LAW JUDGE KOPEC: -- having you
20 propose that. So let's just stick with the current
21 recommendation that a member can identify a designee that
22 has been vetted through the Office of Administrative
23 Hearings.

24 So anything from members in Northern California on
25 that idea? No? I do have a public comment but I will wait

1 until we hear from the members in Southern California.

2 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Judge
3 Kopec, and we had a requested comment from Ms. Murai on the
4 committee and then also a request for a public comment. So
5 Ms. Murai?

6 MS. MURAI: I was just going to see if I could
7 make a formal recommendation to include that -- the titles
8 or the roles, I guess, on the -- I guess (inaudible)
9 committee member list from the website.

10 And then my other recommendation, I guess -- I
11 agree with Valerie's suggestion that OAH is involved with
12 selecting the designee. So maybe -- perhaps in the
13 application when we apply we could put down the designee
14 person in there as well, and that they can also be -- their
15 information included. Because I do have some concerns about
16 just anybody -- like if I were to be absent, I can just have
17 (inaudible) to come, I would have some concern.

18 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Anything
19 else from Southern California committee members? Okay. And
20 we have Ms. Dalton.

21 MS. DALTON: Hi. Yeah, I just have a concern
22 about making designees. I just think it kind of lends
23 itself to non-participation of the person who actually
24 submitted the application. Especially for busy people like
25 I think all of us are. It would be just too easy, I think,

1 to send somebody in our place.

2 I think if you're going to apply and make the
3 commitment, that you just need to step up and, you know, be
4 responsible for it. Thank you.

5 ADMINISTRATIVE LAW JUDGE BREEN: Thanks. Anyone
6 else on the committee? Okay. No further comments from
7 Southern California committee members.

8 ADMINISTRATIVE LAW JUDGE KOPEC: Since we're
9 focused on Southern California, do you have any public
10 comments at this time?

11 ADMINISTRATIVE LAW JUDGE BREEN: Yes, Mr. Atwood
12 would wish to make a comment. Mr. Atwood, we can hear you
13 from this second microphone, so you don't need to approach
14 me.

15 MR. ATWOOD: (Inaudible).

16 ADMINISTRATIVE LAW JUDGE BREEN: No, they can hear
17 you.

18 MR. ATWOOD: Okay. All right. Well, especially
19 as I was listening to all of this, what improved things in
20 the CAC where we are, is people can be excused -- if they
21 get excused absences. I think Ms. Gutierrez mentioned that,
22 well, you know you're having a baby, or something, say so.
23 People who have unexcused absences, two unexcused absences
24 in the CAC, you're gone. And that takes care of the quorum
25 thing and it also takes care of people who can't bother

1 coming, and at that point I would think OAH could say, okay,
2 we need to replace somebody.

3 And this way you end up with people here who
4 actually want to be here and want to participate and
5 contribute, and people who don't want to come and don't want
6 to contribute, they're gone. Instead of just being --
7 serving the function of seeing to it that there's a quorum
8 problem.

9 If you don't want to -- if you have two unexcused
10 absences you can just say -- you know, you're only supposed
11 to meet four times during the term. If you're going to have
12 two straight unexcused absences you've demonstrated that
13 you're not committed to this, for whatever reason or
14 another, and why not replace somebody who's qualified, and
15 one of the qualifications is to have interest in the thing.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Any other public
17 comments in Southern California?

18 ADMINISTRATIVE LAW JUDGE BREEN: Okay. We have
19 another hand up, and -- if you could please identify
20 yourself when you comment, I'd appreciate it. You don't
21 have to stand up, if you don't want to.

22 MS. POSDEN: This is my first time, so --

23 ADMINISTRATIVE LAW JUDGE BREEN: Okay.

24 MS. POSDEN: My name is Mia Posden (phonetic), and
25 I agree with the (inaudible) because it seems like a

1 (inaudible) for me. You know, if somebody commits
2 themselves, and I do understand there could be an emergency,
3 but if live in an -- you know, an age of, you know,
4 technology where (inaudible) you know, be able to
5 communicate by (inaudible) be here to participate
6 (inaudible) so that we don't have a third person appearing,
7 (inaudible) changes, they should be made accommodation to --
8 (inaudible).

9 You know, it should be the person hired, if the
10 person is not able to be (inaudible), or something,
11 (inaudible) then miss two meetings then probably (inaudible)
12 Judge Kopec said that the -- they could get (inaudible) so
13 they should copy (inaudible) something else easier.

14 ADMINISTRATIVE LAW JUDGE BREEN: Thank you. Any
15 other public comment? Okay. And Judge Kopec, let me know
16 how you want to proceed. Ms. Murai does have her hand up.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Let's come back
18 to Northern California to see if we have any public comment
19 here, people who have attended in the room here in
20 Sacramento? No? Okay. We do have one comment I received
21 through the web, and it's -- the first is in the nature of a
22 question. 'Do you let members attend the meeting
23 electronically, it may help you get more members and also
24 meet quorum.'

25 Although ordinarily we just take the comments,

1 public comments, and I won't respond, but in this case I
2 will in that this -- these meetings are governed by the Open
3 Meeting Act, and there is a process to allow members to
4 participate electronically.

5 It has to be noticed in advance, and the public
6 needs to be able to attend where the members is and as a
7 result I think that that process is not really going to meet
8 the needs for the -- for our committee. But it is an
9 alternative that I personally have taken a look at. All
10 right.

11 Let's turn it back to Southern California for any
12 additional member comments.

13 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Ms. Murai,
14 you had your hand up?

15 MS. MURAI: Yeah. I mean, I think that was one of
16 the suggestions that I had. Because I know at one of the
17 meetings in October of 2011, I was going to be at a
18 conference in Chicago or something, and I had asked if could
19 do it electronically so I don't know if there's a way we can
20 look at it.

21 I did review the Open Meeting Act, and I kind of
22 know the procedures, in terms of the public, so they're not
23 going to be there at the meeting with me. And so I don't
24 know, but if that's -- because I do think that emergencies
25 do happen. And so just because members are not present

1 today doesn't necessarily mean that they're not committed.
2 But at the same time, I think if we're known well in advance
3 of the meeting, I think we have to kind of make a commitment
4 to it.

5 And like somebody said earlier that if you know
6 you -- if the meeting is scheduled on a day that you know
7 you can't be there, and there's no way that we can
8 electronically participate, then maybe we should kind of
9 (inaudible) and you know, and let other people have an
10 opportunity to do it. So I don't --

11 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Murai, again,
12 we're going to -- do you want to add a recommendation after
13 we vote on the one that we're currently discussing
14 regarding --

15 MS. MURAI: Yeah.

16 ADMINISTRATIVE LAW JUDGE KOPEC: -- recommending
17 to OAH that they conduct meetings allowing members to
18 participate by the web?

19 MS. MURAI: (Inaudible).

20 ADMINISTRATIVE LAW JUDGE KOPEC: Is that a yes?

21 MS. MURAI: Yes, it is.

22 ADMINISTRATIVE LAW JUDGE KOPEC: All right. I
23 will add that to the list, and we will discuss that after we
24 take a vote and deal with the other recommendations that
25 seem to be in the queue.

1 Any additional comments by members here in
2 Northern California? All right. Let's go ahead and take a
3 vote. If I can recap, we have Ms. Gutierrez's amended
4 recommendation that if a member is unable to attend that
5 they designate -- that they identify a designee that has
6 been vetted by the Office of Administrative Hearings.

7 In Northern California all those in favor please
8 raise your hand.

9 MR. NEUSTADT: This is that have been vetted?

10 ADMINISTRATIVE LAW JUDGE KOPEC: That -- yes.
11 It's the -- that if a member cannot attend that they can
12 appoint or identify a designee and the designee is vetted by
13 the Office of Administrative Hearings.

14 MS. GUTIERREZ: I'm just going to (inaudible).

15 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Gutierrez?

16 MS. GUTIERREZ: Can I add something? I think we
17 should perhaps maybe combine the suggestions that we're
18 discussing and say if a member is unable to attend, the
19 member may participate via the web, or some other electronic
20 measure, or appoint a designee that has already been -- has
21 already gone through the OAH consideration process,
22 application process, whatever we want to call it.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Gosh.

24 MS. MULHOLLEN: It's probably easier to leave them
25 separate, and I have to say I -- I actually liked your

1 suggestion until I heard Traci's suggestion, and I'm
2 thinking just having alternative makes the most sense to me.

3 UNIDENTIFIED FEMALE: Yes.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah, I think --
5 I would agree at this point, because we did have --

6 UNIDENTIFIED FEMALE: Okay.

7 ADMINISTRATIVE LAW JUDGE KOPEC: -- some pretty
8 extensive discussion, unless you want to withdraw your
9 recommendation. But I was thinking, for example, you can
10 easily vote for more than one of these, and then we would
11 respond appropriately.

12 UNIDENTIFIED FEMALE: Okay.

13 ADMINISTRATIVE LAW JUDGE KOPEC: So let's stick
14 with the initial amended recommendation that a member who's
15 unable to attend can identify a designee who is vetted by
16 the Office of Administrative Hearings. Okay. In Northern
17 California all in favor, will you please raise your hand?

18 And I have Ms. Gutierrez and Mr. Neustadt, and all
19 those opposed? And -- I'm sorry, Ms. Peitso, you oppose?
20 And any abstentions? We have Ms. Bean and Ms. Mulhollen.
21 Okay. In Southern California, all those in favor?

22 ADMINISTRATIVE LAW JUDGE BREEN: Okay. We have
23 Mr. Economou and Ms. Adams.

24 ADMINISTRATIVE LAW JUDGE KOPEC: All those
25 opposed?

1 ADMINISTRATIVE LAW JUDGE BREEN: Ms. Dalton and
2 Ms. Lally.

3 ADMINISTRATIVE LAW JUDGE KOPEC: And any
4 abstentions?

5 ADMINISTRATIVE LAW JUDGE BREEN: And Ms. Murai has
6 abstained.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Now if I
8 am following my notes correctly, we have Ms. Bean, and your
9 recommendation was that during -- in the application process
10 that a person applying for the position would designate an
11 alternative or -- no, you wanted alternate members?

12 MS. BEAN: Alternate members chosen by the -- by
13 your committee that chooses the members.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Thank you
15 very much. My notes are very cryptic.

16 MS. BEAN: But I kind of --

17 ADMINISTRATIVE LAW JUDGE KOPEC: There's lots of
18 good discussion --

19 MS. BEAN: I kind of liked Ms. Gutierrez's last
20 suggestion where it could be an and/or, the electronic
21 and/or somebody that is -- has been chosen as an alternate.
22 Is that possible (overlapping) --

23 UNIDENTIFIED FEMALE: But if it goes through that
24 the vote is that we could appear electronically, it doesn't
25 matter on the other one, right? Because you just could?

1 Then it wouldn't fall to the alternative.

2 UNIDENTIFIED FEMALE: (Overlapping) --

3 ADMINISTRATIVE LAW JUDGE KOPEC: What -- what I
4 would suggest --

5 MS. BEAN: It's okay -- either way --

6 ADMINISTRATIVE LAW JUDGE KOPEC: -- is for -- you
7 know, one track mind here, let's go one at a time.

8 MS. BEAN: That's fine.

9 ADMINISTRATIVE LAW JUDGE KOPEC: You don't have to
10 vote for your own recommendation.

11 MS. BEAN: No, I like -- as an alternative --

12 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So what
13 you are proposing is that in addition to the members in both
14 Northern and Southern California, that alternate members
15 could be selected as well, who would be chosen to appear if
16 we know in advance that a member is not attending.

17 MS. BEAN: Right. Or if a member takes a position
18 in the Office of Administrative Hearings, there's already
19 somebody chosen to step into that position.

20 ADMINISTRATIVE LAW JUDGE KOPEC: All right.

21 MR. NEUSTADT: Just one friendly question --

22 MS. BEAN: It would be there for lots of reasons,
23 but you know, as an alternate if someone can't attend.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

25 MS. BEAN: Either temporarily or permanently.

1 How's that? No -- I'm kidding --

2 ADMINISTRATIVE LAW JUDGE KOPEC: All right. Do
3 you want to restate your recommendation? Because I want to
4 make sure I get it.

5 MS. BEAN: Well, I just think that if you -- if
6 the committee were to chose an alternate for each location,
7 that that alternate would be able to step either to make a
8 quorum or to fill a position if that position happens to go
9 vacant.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Okay.
11 Anyone second the recommendations?

12 MS. MULHOLLEN: I second it. Could it be
13 alternates rather than alternate?

14 MS. BEAN: Sure. So are we saying two for each
15 location? Or just --

16 MS. MULHOLLEN: I was not putting a number.

17 ADMINISTRATIVE LAW JUDGE KOPEC: So the alternate
18 would step in if there's no quorum, and then your second
19 part?

20 MS. BEAN: Or if a position were to become vacant.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Or it become
22 vacant. Okay. And Ms. Mulhollen, you seconded that. Okay.
23 Discussion in Northern California?

24 MR. NEUSTADT: Yeah. My one concern is -- Sam
25 Neustadt. My one concern is that your needs get met; we're

1 here to advise you. And by definition and by design this is
2 a balanced group relative to -- I believe we're all student
3 advocates, but we have respective roles around the table
4 relative to the hearing process, and so that these
5 alternates that be vetted be reflective of the balance in
6 absence of the appointed member. So you don't get -- you
7 don't get a loaded -- you know, a loaded meeting on any
8 particular day.

9 ADMINISTRATIVE LAW JUDGE KOPEC: So if I
10 understand correctly, and I'll take this as a clarification
11 rather --

12 MR. NEUSTADT: Please.

13 ADMINISTRATIVE LAW JUDGE KOPEC: -- than an
14 amendment, if that's all right, that for example, we would
15 maybe have an alternate who is identified as a parent, or a
16 parent's advocate, and then have an alternate who would be
17 identified -- I mean, one or more, who would be identified
18 as a district or district advocate so that the alternate
19 would be called upon to maintain the required balance, in
20 terms of the committee. Is that right? Okay. I think that
21 would make sense, because -- yeah, we have to have more
22 student oriented -- or student advocates and parents than
23 district folks. So that makes a lot of sense. Any other
24 comment in Northern California? Okay. How about Southern
25 California?

1 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Starting
2 with the committee, any comment on the current proposal?
3 Okay. From Ms. Adams?

4 MS. ADAMS: Yes. Margaret Adams. I think it's a
5 great idea to have a panel of alternates, maybe four or so.
6 And although it shouldn't probably be a requirement, I think
7 for anyone applying encourage those folks to maybe attend
8 voluntarily at the other meetings, you know, just as an
9 additional participant, or even watch it on the web, as
10 well, just for the continuity issue that was raised. I
11 think that's a valid concern.

12 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Any other
13 committee member comment? Okay. No further committee
14 member comments.

15 ADMINISTRATIVE LAW JUDGE KOPEC: How about public
16 comments in Southern California?

17 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Southern
18 California, any public comment on that current proposal for
19 the committee to select alternates in the event of no
20 quorum?

21 MS. PAVISCA: I just wanted to say that I -- that
22 the quorum should be maintained and the balance should not
23 be (inaudible) a person who's absent, you know, somebody
24 steps in and then it (inaudible) the majority from the
25 district, or you know, in (inaudible) the area. So I

1 believe that (inaudible) the panel will sort of help.

2 But then I also think it complicates the problems;
3 you'll probably have to select as many members as there
4 exists so I would rather go with the (inaudible) that was
5 made to why not try to get the person to attend in a
6 (inaudible) essentially in the electronic age, so the person
7 is still there, and the (inaudible) and the person that was
8 (inaudible) is able to, and if not it's (inaudible) so
9 severe that they wouldn't be able to attend, they step down
10 and somebody else, you know, comes into the (inaudible).

11 ADMINISTRATIVE LAW JUDGE KOPEC: Ma'am, I
12 appreciate the comment. I didn't catch your name; do you
13 mind giving it to me?

14 MS. PAVISCA: Mia (inaudible).

15 ADMINISTRATIVE LAW JUDGE BREEN: Mia -- what was
16 the last name?

17 MS. PAVISCA: Pavisca (phonetic).

18 ADMINISTRATIVE LAW JUDGE BREEN: Pavisca? Great.
19 Thank you, Ms. Pavisca. And Mr. Atwood, you had a comment?

20 MR. ATWOOD: Well, yeah. I like the alternate
21 thing. It would be very nice if we can do it
22 electronically, but as Judge Kopec stated earlier, Bagley-
23 Keene does require that wherever a committee member is
24 participating the public can go there, and that looks to me
25 like that could be trouble. The (inaudible) but it could be

1 overcome too (inaudible).

2 ADMINISTRATIVE LAW JUDGE BREEN: Thanks, Mr.
3 Atwood. Any other public comment. Okay. No further
4 comments from Southern California.

5 ADMINISTRATIVE LAW JUDGE KOPEC: All right.
6 Northern California, any further comments? Public comment?
7 No? Okay. Are we ready to take a vote? All right. In
8 Northern California all those in favor of Ms. Bean's
9 recommendation that -- if I follow it correctly, that we
10 choose alternate members who would then step in if we need
11 for a quorum, or if the position becomes vacant in -- to
12 clarify that there would be both those who are identified as
13 taking on the role of a student in these proceedings, and
14 those taking on the role of the district.

15 All those in favor, Northern California, please
16 raise your hand. And we have unanimous. That makes it
17 easy. Thank you. And Southern California?

18 ADMINISTRATIVE LAW JUDGE BREEN: Okay. All those
19 in favor? We have three -- four; Ms. Lally, Ms. Adams, Ms.
20 Murai, and Mr. Economou.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Any opposition?

22 ADMINISTRATIVE LAW JUDGE BREEN: And Ms. Dalton in
23 opposition.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Thank you.
25 Now, the next recommendation, if I am following my notes,

1 was from Ms. Murai and this is that the listing of Advisory
2 Committee member that OAH maintains on the website identify
3 the -- each members respective role, in terms of due process
4 hearings (inaudible) in terms of student versus district.
5 Ms. Murai, is that accurate?

6 MS. MURAI: Yes.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Do we have
8 a second on this?

9 ADMINISTRATIVE LAW JUDGE BREEN: Seconded by Ms.
10 Dalton in Southern California.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. I will --
12 since it was proposed by a Southern California member I will
13 turn it over to you, Judge Breen, in terms of facilitating
14 the discussion.

15 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Ms. Murai,
16 did you have anything further on that?

17 MS. MURAI: No, I don't.

18 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Anyone
19 else on the committee want to add to it? Okay. So -- and I
20 -- and I do think we talked about this a little bit, so I
21 think there's a little bit of silence here.

22 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

23 ADMINISTRATIVE LAW JUDGE BREEN: You want me to go
24 to public or wait, Judge Kopec?

25 ADMINISTRATIVE LAW JUDGE KOPEC: Let's wait and

1 let's see the Northern California members. Okay. Any
2 comment from Northern California members on this
3 recommendation? Any comment from members of the public?
4 All right. Turn it back over to Southern California.

5 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Southern
6 California, any comment on that from members of the public
7 on Ms. Murai's proposal to list member roles on OAH website,
8 or other material, talking about the Advisory Committee
9 members? Any public comment? Okay. Seeing none, Judge
10 Kopec.

11 ADMINISTRATIVE LAW JUDGE KOPEC: All right. Why
12 don't you start the vote then?

13 ADMINISTRATIVE LAW JUDGE BREEN: Okay. From
14 Southern California committee members, all those in favor of
15 the proposal? Okay. Unanimous here.

16 ADMINISTRATIVE LAW JUDGE KOPEC: And Northern
17 California, all those in favor? Unanimous. All right.
18 Thank you very much. All right. The next recommendation is
19 also from Ms. Murai and, if I follow it correctly, Ms.
20 Murai, you are proposing that the committee recommend that
21 the Office of Administrative Hearings allow members to
22 participate via the web if they are unable to attend in
23 person; is that correct?

24 MS. MURAI: (Inaudible) I'm actually going to
25 withdraw it.

1 ADMINISTRATIVE LAW JUDGE KOPEC: I'm sorry?

2 MS. MURAI: That is my recommendation, but I want
3 to withdraw it.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

5 MS. MURAI: Just because of the procedural
6 problem.

7 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. All right.
8 My -- I believe that was the final recommendation that came
9 up in the discussion. Are there any additional
10 recommendations on attendance and expectation of Advisory
11 Committee members before we move on? Okay --

12 ADMINISTRATIVE LAW JUDGE BREEN: Let me recognize
13 Ms. Murai for a second. Go ahead, Ms. Murai. I think one
14 last recommendation that I had was to have the Advisory
15 Committee member sign something saying that they'll make
16 every best effort to attend the four Advisory Committee
17 meetings that are included. I don't know if that's a
18 recommendation (inaudible).

19 ADMINISTRATIVE LAW JUDGE KOPEC: It's a -- you're
20 proposing that each Advisory Committee member sign an
21 understanding of their responsibilities and a commitment to
22 attend?

23 MS. MURAI: Yes.

24 ADMINISTRATIVE LAW JUDGE KOPEC: And is that
25 seconded?

1 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Not in
2 Southern California.

3 ADMINISTRATIVE LAW JUDGE KOPEC: Anyone seconding
4 it in Northern California?

5 MS. PEITSO: Can we add to it too that, if for
6 some reason, they cannot attend that they -- if it's
7 possible that they give prior notice?

8 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Murai, is
9 that an acceptable --

10 MS. MURAI: That's fine. Yes. Yes, that is.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. All right.
12 And that was Ms. Peitso who seconded it, and then amended
13 it. So any discussion in Northern California concerning
14 that Advisory Committee members sign something indicating
15 that they understand their responsibilities, and that
16 they're committed to attend and that they give prior notice
17 of their inability to attend? Okay. Mr. Neustadt?

18 MR. NEUSTADT: A page of your membership
19 information, there is a paragraph entitled meetings, one,
20 two, three, four, five down, where it specifies that the
21 Advisory Committee members are expected to attend their
22 regional meetings in the fall and spring and may be
23 consulted between meetings. So I think substantively the
24 concern has already been addressed in your documents.

25 UNIDENTIFIED FEMALE: What documents?

1 MR. NEUSTADT: It's the second -- it's the second
2 page of the application itself. Three pages into the
3 packet.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Any further
5 discussion? Ms. Bean?

6 MS. BEAN: Yeah. In addition the -- you have to
7 sign the application. I think just by signature you're
8 accepting those requirements already.

9 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Mulhollen?

10 MS. MULHOLLEN: Well, I think that the additional
11 signing of an 'I'm committed' is sort of implied in the fact
12 that you filled out the application, but I really like the
13 fact that it requires you to give prior notice, because I
14 think that that's something that's missing from the current
15 process, is notification so that the hearing office knows
16 we're in trouble for this meeting. Right?

17 ADMINISTRATIVE LAW JUDGE KOPEC: Well, what I'd
18 like to do is, if it's all right with you, let's take a vote
19 on the recommendation from Ms. Bean because it's -- includes
20 two elements. And then -- I'm sorry -- from Ms. Murai,
21 because it includes two elements and then if you want to --
22 we can discuss your recommendation. Is that okay?

23 MS. MULHOLLEN: And I had no recommendation, I was
24 merely saying I liked her -- the recommendation because it
25 included the second part.

1 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. All right.
2 Anything further in Northern California? Okay. And any
3 public comments? All right. Southern California?

4 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Starting
5 with committee and then we'll move to public comment. Any
6 further comments? Okay. Public comment, Mr. Atwood?

7 MR. ATWOOD: Sure. Well, I do want to reiterate
8 my suggestion here that put a very small (inaudible) in
9 this. If people can't even bother to say that they can't
10 come, that they can't give prior written notice, and it
11 happens twice in a row, I would think that that's a reason
12 to understand that they don't want to be a participant in
13 the committee (inaudible). It's a very, very low bar to
14 say, look, yeah I do want to be in the committee, so if for
15 whatever reason I can't show up, that they can't even tell
16 us that they're not coming and they do that twice, I would
17 say that that indicates that they're effectively not members
18 and we need to replace them if you want an effective
19 committee.

20 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Any
21 further public comment? Okay. Judge Kopec, that's it from
22 Southern California.

23 ADMINISTRATIVE LAW JUDGE KOPEC: All right.
24 Before we vote I do have a public comment here in --from the
25 web. And it states,

1 'If you want parents of children with
2 disabilities to participate, allowing
3 electronic participation makes sense. We
4 often cannot leave town and be so far away
5 from our kids. It's very easy; you just
6 state on the agenda that blank will be
7 participating electronically from this
8 location, blank.'

9 Okay. I turn it over to Southern California to
10 being the vote.

11 ADMINISTRATIVE LAW JUDGE BREEN: Okay. All those
12 in favor of the proposal by Ms. Murai, that -- it's a
13 combined proposal of committee members signing an attendance
14 pledge to attend, and also including an element that they
15 give notice if -- prior notice if they're not going to
16 attend. All those in favor? Okay. We have three; Ms.
17 Murai, Ms. Lally, and Ms. Dalton. And opposed? And opposed
18 we have Economou and Adams. I'm sorry, Mr. Economou and Ms.
19 Adams.

20 ADMINISTRATIVE LAW JUDGE KOPEC: All right.
21 Northern California, those in favor? We have Ms. Peitso and
22 Mulhollen -- Ms. Mulhollen. Those opposed? We have Ms.
23 Gutierrez, Ms. Bean, and Mr. Neustadt. All right. Any
24 further recommendations on this item? Okay. Let's move on.
25 Ms. Murai, your second item has to do with

1 increasing outreach to unrepresented parents about the OAH
2 process.

3 MS. MURAI: Well -- yeah. I mean, I guess the
4 reason why I included this is because -- I mean, in the --
5 you know, we have only so many spaces on the Advisory
6 Committee, and so not all the parents can come. And just --
7 my discussion with parents is that they don't really know
8 the OAH process. Even though the guide is very helpful, the
9 parents that I work with, a lot of them are not -- I'm
10 trying to think of a PC word -- they're just -- even for me
11 to explain the process to them in Spanish is very difficult.

12 And so I just feel that most of the my parents
13 learn -- because I do a lot of parent outreach workshops
14 with the parents just to let them know the process of the
15 IEP and the process of this and that. So I just feel like,
16 as our committee members -- that if we could do a little bit
17 more to -- because I think part of the reason why we are so
18 -- we have so many complaints filed is because a lot of
19 people know the black letter law, but in terms of the
20 application of the law to the facts, that's where it --
21 there's confusion.

22 And so I think -- and then also it's just the
23 whole, you know -- the whole OAH -- going to a hearing is
24 very intimidating for any unrepresented parents. So I don't
25 -- I -- I'm sorry, I don't make really good sense right now

1 because I'm not feeling very well, but I just -- I wish we
2 were able to do more outreach.

3 You know, and I kind of see there's a conflict if
4 we ask the Advisory members -- well, there is and there
5 isn't a conflict. But -- I don't know -- I mean, I --
6 sorry.

7 ADMINISTRATIVE LAW JUDGE KOPEC: No, that's fine.
8 You're -- so are you recommending that OAH increases
9 outreach to parties, or that the Advisory Committee members
10 participate in the outreach, or perhaps both?

11 MS. MURAI: I guess both, but my only main concern
12 about the Advisory Committee members doing it is I don't
13 want them to do the training as a way to try to get clients.
14 And so I just -- I want to ensure that -- because when I
15 attended the LRP conference, you know, not many parents were
16 there and obviously the main reason is because it was very
17 expensive.

18 And so, you know, a lot of parents that I work
19 with that I don't -- they don't retain me so they're
20 unrepresented, but finance is a big concern. So I just feel
21 like if we were to have the parent trainings done that would
22 help alleviate it. Like, in terms of the community outreach
23 that there was, at least that's what I saw on the website,
24 maybe if we can try to revisit that to see if we can try to
25 bring that back.

1 But in terms of the budgetary constraints, maybe
2 if we as the Advisory Committee can all maybe volunteer to
3 do one of the trainings per month, or -- I mean, not per
4 month, but per year, or something like that, just so the
5 parents do have the tools so that they can (inaudible).

6 ADMINISTRATIVE LAW JUDGE KOPEC: So then it sounds
7 -- again just to clarify the recommendation would be that
8 OAH begin the outreach to the parties, and that the Advisory
9 Committee members participate as appropriate; does that make
10 -- would that be what you're suggesting?

11 MS. MURAI: Yeah.

12 ADMINISTRATIVE LAW JUDGE KOPEC: And does anyone
13 -- do we have a second on this?

14 ADMINISTRATIVE LAW JUDGE BREEN: Second from Mr.
15 Economou in Southern California.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Judge
17 Breen, I'll have you facilitate discussion in Southern
18 California.

19 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Starting
20 with the Southern California committee members; any
21 commentary on that proposal? And starting with Ms. Adams?

22 MS. ADAMS: Yes, just a question. What would that
23 look like? I would just be concerned about if the members
24 in this committee participate, a continuity, in terms of
25 what was said, or the content even of the message. So if we

1 were assisting, maybe as a volunteer in some OAH training,
2 that's one thing, but I'm a little confused, I guess, as --
3 in terms of the activities that would be proposed. So more
4 of a question than a comment.

5 MR. MIRY: I guess breaking down the guide into a
6 PowerPoint presentation so that it's comprehensible to
7 somebody without having to read all that. Does that make
8 sense?

9 So we're not changing anything, it's just we're
10 taking the guide and we're creating a presentation through
11 it. I mean, and not all the specificities about -- the
12 guide is, I think, what -- I don't know, it's very long. I
13 mean, I've read it, it's very good, but it's very long.

14 And so just maybe even -- just breaking it down,
15 like, okay -- you know, what mediation is, what resolution
16 session is, what -- you know, a due process hearing is. I
17 think one of the biggest problems that I've seen, at least
18 from (inaudible) the decisions, is a lot of parents don't
19 provide exhibits in a timely fashion because they're not
20 aware of all the specificities about having to do it, and
21 then the other side will say, well you know, let's exclude
22 them because they didn't meet the -- you know, the
23 guideline. So I just -- things like that that will give
24 them an even playing field.

25 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And

1 further discussion in Southern California committee, Ms.
2 Lally.

3 MS. LALLY: Just at the outset I'm definitely in
4 support of anything that would increase outreach to
5 unrepresented parents, or underserved populations. But I
6 guess I would like a little more flesh on the bones as well.

7 As a member of the committee who's a parent, I'm
8 not in any position to train anyone about any aspects of,
9 you know, the special education law process. Frankly, I
10 would feel very uncomfortable doing that because I have not
11 served as a representative for parents in that forum.

12 I can give the voice of my experiences as a
13 parent, and how it's important to become involved, and how
14 it's important to understand the process for yourself, but I
15 -- substantive training, I would not feel comfortable. So I
16 would just want to know what my role could be. I would be
17 happy to serve in some other sort of role, but I guess I'd
18 have to get a sense of what that would be like.

19 And then just a concern, if we can't get people to
20 show up for these meetings two times a year, how are we
21 going to get them to show up for some volunteer training
22 program. Not that it's a bad idea, I just don't know -- you
23 know, would be -- if they won't show up for a meeting twice
24 a year, how are they going to show up for a training
25 program? That would be my concern. And I -- you know --

1 MS. MURAI: (Inaudible).

2 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And --
3 hold on Ms. Murai. Anybody else on the committee want to
4 comment before we go back to Ms. Murai?

5 MS. DALTON: I just have one comment. I like the
6 idea as well, but the application of it is a little bit
7 problematic, as you guys are saying. Oh, this is Cole
8 Dalton, by the way.

9 And I do know that there -- since the concern
10 seems to be towards parents who have less of a knowledge
11 base, if they're unrepresented especially, there are a lot
12 of parent firms out there that do provide these sort of -- I
13 guess I'd call them in-service training. They're not really
14 in-service, they're usually at the attorney's office, or
15 some other location, that parents can come and get
16 information on what due process is like, and how to ask the
17 district different things, and what to expect when you go to
18 hearing, and things like that. I don't know how this ties
19 in; I don't know if there's a way to get that information to
20 parents. But that's my comment.

21 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And Mr.
22 Economou, anything before we go back to Ms. Murai?

23 MR. ECONOMOU: Yeah. This is Eli Economou. As a
24 parent attorney who does do those types of trainings, I
25 think one of Ms. Murai's concerns was that the trainings

1 themselves, or whatever form that they take, was not -- in
2 order to, you know, gain clientele, but -- or to be
3 educational as far as the hearing process goes. So I think
4 that would be -- that would kind of separate those kinds of
5 trainings, maybe.

6 To speak to Ms. Lally's concern about, you know --
7 I was thinking the same exact thing that you were thinking,
8 that people aren't even showing up to these meetings; how
9 are we going to get them to show up. But again, you know, I
10 don't think that should deter us from trying to make --
11 trying to make -- trying to put something in to form.

12 You know, if they want to show up they can show
13 up, if they don't that's fine with me, I'll show up. So --
14 you know, I can't worry about what they're going to do. But
15 I definitely -- we run into the same exact problem that Ms.
16 Murai was discussing, which is that parents -- you know,
17 they feel disempowered, they feel like they don't know what
18 necessarily is going on.

19 Somebody at some point has told them -- a term
20 like LRE or something, and then the glom onto that and they
21 try to do everything they can with it, and -- so I mean, I
22 think definitely we -- we're trying to throw around
23 something to take a form, but I think we try to -- we need
24 to try to do -- which is why I seconded the motion -- we
25 need to try and do something, if at the very least it's to -

1 - you know, put something back into the OAH framework, to
2 make an attempt. Or if it's incumbent on each of us to do
3 something individually, I'd be willing to do that as well.

4 But to make an effort towards trying -- for school
5 districts and students both, you know, to educate parents
6 who don't necessarily have access to things like the LRP
7 training, or things like that.

8 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Then
9 another comment from Ms. Adams.

10 MS. ADAMS: Just to dove tail with what you're
11 saying. I think it's important if this goes forward that
12 the training is just about the OAH process. Because when
13 you get into things like LRE -- I mean that gets into kind
14 of legal advice, or could be, and if parents want to ask
15 questions about cases I think that should be off limits.
16 You know, more just about the process.

17 MS. MURAI: (Inaudible).

18 ADMINISTRATIVE LAW JUDGE BREEN: I know. And Ms.
19 Murai, would you be okay with getting everything out and
20 then give your rebuttal? If that's okay, I'll recognize Ms.
21 Dalton.

22 MS. DALTON: Thank you. Thank you for that, Ms.
23 Adams. And that kind of -- that comment -- I agree with
24 that comment, it kind of clears up some of the concerns that
25 I've had in this discussion. Making it strictly the OAH

1 process and how to help the parents navigate their way
2 through that, which is a lot more neutral.

3 And maybe it could even be relevant in-person
4 thing, if necessary. It could be somebody doing a
5 presentation, like a slide show, and having that posted
6 somewhere where the parents can read through it. I mean,
7 that's a possibility as well.

8 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And -- Ms.
9 Adams (overlapping) --

10 MS. ADAMS: (Overlapping) and I do, wouldn't it be
11 great to have -- sorry -- to have something available on the
12 web.

13 MS. DALTON: Right.

14 MS. ADAMS: On the OAH website. Because there are
15 a lot of parents who may have reading disabilities, or
16 something, and it could be very -- although I think the
17 guide is really helpful, and very precise, and useful, it --
18 there may be certain parents that just can't access it.

19 So maybe doing an OAH training and having it
20 available on the web for parents just to press that button
21 and get to a computer, would be the way to go. And then you
22 would kind of avoid all the questions, in terms of needing
23 volunteers to participate (inaudible).

24 ADMINISTRATIVE LAW JUDGE BREEN: Thanks, Ms.
25 Adams. And Mr. Economou?

1 MR. ECONOMOU: Yeah, I was just -- I was thinking
2 -- and this might not be the best idea, but if we're going
3 to -- we're already going to put, you know, our information
4 on the website, our roles, things like that; maybe putting
5 like a contact (inaudible) something like that on there, and
6 say if you have questions regarding the OAH process, you
7 know, shoot this person and email and they'll be able to
8 answer your questions regarding the OAH process. I don't
9 know, maybe an (inaudible) to do those questions directly,
10 but not at the same time making it incumbent on the person
11 on this date at this time you have to do this, but making
12 them available to answer those questions and try to think of
13 a way that's convenient for everybody (inaudible) but still,
14 you know, making the committee members available to answer
15 questions.

16 ADMINISTRATIVE LAW JUDGE BREEN: And I'm just
17 going mute for a second. We're just taking a break because
18 we -- kind of a --

19 MS. MURAI: Sorry.

20 ADMINISTRATIVE LAW JUDGE BREEN: Kind of a
21 coughing break. Thank you, folks, for your indulgence. And
22 Ms. Lally?

23 MS. LALLY: Yeah, I like these suggestions a lot.
24 I think they alleviate a lot of my concerns, which may be
25 personal, that I would be called on to give legal advice I'm

1 not qualified to give.

2 I think making something available on the web,
3 either a PowerPoint or a webinar, or something like that,
4 would make it accessible to a lot of people, and if it's
5 (inaudible) how the process is structured. That seems like
6 that would be really helpful on something that all the
7 committee members are comfortable participating in.

8 And I'm certainly not opposed to having my contact
9 information if there's a defined purpose for what that is.
10 You know, that would be my only -- because I am not a
11 lawyer, they'd be getting my home email address, and -- you
12 know, so I'd have to think about how that would work, I
13 think. But I certainly welcome the idea of making myself
14 more accessible to members of the public to address
15 questions that they might have that I in my role could
16 address.

17 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And, Ms.
18 Murai, any wrap up comments? Hold on -- I'm going to mute,
19 folks.

20 MS. MURAI: Sorry. I was (inaudible). But -- so
21 really quick what I wanted to suggest is I think, in terms
22 of a web, is a good idea. The only thing is, again, my
23 parents that come to me don't even have Internet. So I
24 think web is good, but I also -- and I like the idea of
25 having it done in a (inaudible) so people can click to it,

1 but also doing in-person. And also I think it's less
2 intimidating. I think also when we do it in-person we could
3 do it, maybe two people, so a parent and an attorney. And
4 so they feel comfortable and so we can have -- just kind of
5 a team effort.

6 And then I think, in terms of getting people to
7 come, I think that can be addressed because they're
8 scheduling (inaudible) and so I think when we're scheduling
9 our meetings we won't schedule it on a time when we're not
10 available. So that would alleviate that.

11 And I think doing -- even though Ms. Dalton
12 suggested, you know, there are already these trainings
13 existing, I think it's different when a parent -- I do it in
14 the community. I do it in the libraries. I do it where the
15 parents are and that's where they feel comfortable. And I
16 think doing it at an attorney's office is great, but it's
17 still intimidating.

18 I mean, the reality is a lot of unrepresented
19 parents, they're unrepresented because maybe financially,
20 and then too they're just intimidated by the whole legal
21 process. And so I just feel like if we do it in a community
22 center, or if we do it here and there.

23 And then finally, I just -- I want to address Ms.
24 Adam's concerns about -- in terms of doing it -- I also
25 agree, I don't think we should be talking about, you know,

1 IEP, LRE, all that. I think we should just talk about,
2 okay, now you filed, or what you file now, what is expected.
3 You know, just really non-biased -- you know, exhibits have
4 to submitted by this time. A resolution should occur within
5 14 days of the filing. That sort of stuff that I think
6 that's on the guide.

7 And so we're not taking the guide and biasing it
8 with our opinions, regardless of which side of the field
9 that we advocate on. I think it's just we take it and we
10 just -- we teach it, you know, without any kind of a bias.
11 Because I also don't -- you know, I don't want to appear
12 impartial. You know, what I mean? I think it's important
13 that, you know, that -- I just think, you know -- the
14 (inaudible) thing is the biggest thing that I encountered
15 where parents come to me, they're like, you know, we lost
16 and we don't understand why, we had such a great case, and
17 then I ask them well what did you present? How did you
18 present it? And they tell me, oh well, we didn't, we held
19 it back. And I'm like, well, you know, you can't do that.

20 So I mean, I think that those are the little
21 things that I think -- and hopefully -- my hope is with
22 these trainings is that then more case (inaudible) because
23 they know really -- you know, what the whole process is
24 about.

25 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And we

1 will reserve time for public comment. Why don't we turn it
2 over for the Northern California committee members to
3 address this issue.

4 MS. MULHOLLEN: This is Valerie Mulhollen and the
5 -- I would oppose anything where OAH Advisory Committee
6 would be giving any legal advice. You're assuming that
7 Traci, as a speech/language pathologist, would learn how to
8 present evidence and I can tell you from a parent's
9 attorney, I would feel enormously uncomfortable giving
10 advice to a parent who's currently represented because
11 ethically then I'm assuming the court could hold me
12 responsible for what the parent is doing, because I am then
13 giving legal advice.

14 You know, I think the idea behind -- it would be
15 nice to have some clear expectation out there of getting
16 information to the parents on once you file here's the
17 bullet points, you know, rather than putting it in a 50 page
18 document, you know, here's a summation sheet. Make sure you
19 get all your documents, number them, whatever -- you know,
20 whatever the real procedural things are.

21 But I can also tell you -- quite frankly, you had
22 made the statement that we all agree on the black letter of
23 the law, and I think that isn't the case. I'm assuming that
24 my read of what a statute is might be clearly different than
25 what Sam's is, or Marcy's is, just because that's part of

1 the practice of law is interpreting those statutes.

2 So unless it's -- you're going to give me
3 documents within five days, that's pretty clear. But a lot
4 of the other statutes are up for interpretation. So you're
5 really asking for the Advisory Committee to be giving legal
6 advice to unrepresented parents and I think it's a -- I
7 think it's huge need for parents to have access to
8 information, but it can't be from this committee. I mean,
9 at least in my opinion.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Anyone -- Mr.
11 Neustadt?

12 MR. NEUSTADT: I totally agree with you. And I
13 would just say that the scope of the responsibilities of
14 this -- of this body, I think are clearly defined either in
15 statute or in the contract with the California Department of
16 Education, and they don't include parent education. They
17 include advising the OAH on matters pertaining to the
18 jurisdiction.

19 There are other structures out there that do
20 provide that training. There are parent training institutes
21 and family resource centers. It's -- those would be more
22 appropriate structures for providing factual information to
23 -- to parents of all stripes.

24 And I know that OAH does a nice job of
25 communicating with various organized structures relative to

1 procedural -- procedural matters. For example, Judge Kopec
2 does come periodically to the SELPA Association to let us
3 know about procedural changes, and so on. So we very much
4 appreciate that.

5 As to the comments about using the web for any
6 such efforts, I think -- I would underscore that final point
7 from Southern California that disenfranchised parents don't
8 tend to cross the digital divide. If we're economically
9 depressed or we're illiterate, or we have a primary language
10 other than English, or a disability ourselves, the
11 probability of having access to the web and knowing how to
12 navigate it appropriately is probably less than, you know,
13 an upper middle class Anglo-American phenomenon. Which is
14 typically what we see in due process, as a general
15 statement.

16 And then finally, as pertains to the issue of the
17 under representation of certain folks, or the under
18 preparation of certain families in the due process, I would
19 simply say that, you know, if you want to get at that, the
20 way to do that isn't necessarily through this approach, but
21 rather to consider a way to level the playing field relative
22 to the (inaudible) nature of the statute, rather than --
23 rather than lathering people up to go to due process and
24 maybe doing a better or worse job.

25 We actually proposed at one point the possibility

1 of a legislative fix that would create a public defenders
2 kind of concept for families. And that would truly level
3 the playing field.

4 But the truth of the matter is, at least from this
5 -- from education's perspective, our goal is to resolve the
6 dispute at the IEP meeting to try and settle disputes at the
7 lowest level of concern and not to do things that try and
8 accelerate or exacerbate the nature of the dispute. So I
9 would be opposed to this motion, should it come to that.

10 ADMINISTRATIVE LAW JUDGE KOPEC: Any further
11 comment by members in Northern California?

12 MS. PEITSO: I have one.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Ms.
14 Peitso?

15 MS. PEITSO: As a non-attorney doing a training
16 like that I would be very concerned about being brought up
17 on unlawful practice of law charges.

18 ADMINISTRATIVE LAW JUDGE KOPEC: Anything further.
19 Ms. Bean?

20 MS. BEAN: My only comment -- there was a comment
21 made about putting our contact information on the website,
22 and I'd be firmly against that for a multitude of reasons.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Anything else?
24 Okay. While I'm here I'll move into -- we have one public
25 comment generally related to this, and then I also received

1 several other general public comments that I will hold until
2 the end of the meeting.

3 'When I've spoken to parents about
4 volunteering for your committee the main
5 reasons I hear for not wanting to join is
6 that the committee spends most of its time
7 discussing meeting procedures and membership
8 and meeting details.'

9 I guess this touches on our last discussion, but
10 it also generally has to do with, you know, parents feelings
11 about this committee and to some extent outreach, so I'll
12 just continue.

13 'But very little time is spend on any
14 substantial discussion about the important
15 matters your committees is supposed to be
16 focusing on, which is 'assisting OAH by
17 providing non-binding recommendations for
18 improvements to the special education hearing
19 and mediation processes'. One meeting I
20 listened to spent two hours talking about the
21 colors of folders used at hearings. I think
22 it is easy to get wrapped up in the details
23 of meetings and lose sight of why you are
24 meeting, to make recommendations for
25 improvements to the special education hearing

1 and mediation processes.'

2 Okay. I'll move to Southern California, in terms
3 of public comment.

4 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Southern
5 California, I see a hand up. Mr. Atwood?

6 MR. ATWOOD: Yeah, I have to entirely agree that
7 (inaudible) committee members into the parent education
8 business. We're all trying to (inaudible). One thing
9 though in this that I see is that ALJ's do get out
10 (inaudible) where attorneys meet, and so forth. It would be
11 all the way around (inaudible) if ALJ's could actually turn
12 up at parent type forums once in a while, and they can
13 answer questions, they could present things, they could get
14 introduced. Unrepresented parents who frequently don't even
15 speak English, they get to see an ALJ, they say great,
16 you're a Judge? You don't look so bad. That would be very
17 important --

18 ADMINISTRATIVE LAW JUDGE BREEN: Thank you.

19 MR. ATWOOD: -- actually for a lot of parents to
20 see that. But, you know, they're not facing (inaudible) and
21 it would reduce the intimidation factor, and of course they
22 would get educated, and it would probably also be good for
23 the ALJ's to meet the regular unrepresented unlearned
24 public.

25 So I would suggest it would be nice to see some of

1 that happen. It would (inaudible) some effort, but I would
2 think that a few ALJ's might actually want to do that, and
3 that would be -- that would greatly help the process. And
4 it isn't a level playing field.

5 And a whole lot of that is because the law is the
6 way it is. And there's nothing that OAH can do about that,
7 but there are things you can do exacerbate the problem, and
8 there are things you can do to ameliorate the problem. And
9 seeing unrepresented parents to actually see a more
10 accessible process, and a less intimidating process, would
11 really help.

12 And that would also help resolution at an early
13 level. A lot of times resolution doesn't happen because the
14 district throws a filing at you to deny (inaudible) judgment
15 (inaudible) what they offered as FAPE, and the parents are
16 intimidated. And so you don't get a reasonable resolution.
17 And when the kid doesn't progress that's when there's
18 fighting. And when the kid progresses that's -- there's
19 less fighting.

20 And so the kind of (inaudible) result from not
21 being able to get properly worked out process, that's
22 expensive. It's expensive for society when you have a whole
23 class of people who's kids just aren't going to get a break.
24 And so that could be relieved to some extent by getting
25 unrepresented parents more involved in the process, and it

1 probably wouldn't lead to more hearings.

2 If the districts see that the parents are better
3 educated and less intimidated, an lot of things will be
4 settled in resolution or in the IEP meetings, so that they
5 don't have to go to hearing. So the district were -- don't
6 feel (inaudible) confident that they can throw filings at
7 parents to intimidate them. And so I don't know that it
8 would really result in a whole lot more hearings, but it
9 would result in a more even process.

10 It would result -- in all kids of parents that I
11 work for, usually I don't get paid because the people that I
12 work for, they don't have anything. I mean, I went
13 yesterday to Riverside and they only gave me ten bucks for
14 my gas for a 30 mile round trip. There's a lot of people
15 like that. And it would be a better process if they
16 (inaudible).

17 ADMINISTRATIVE LAW JUDGE BREEN: Thanks, Mr.
18 Atwood. Ms. Pusgar (phonetic)?

19 MS. PUSGAR: Yeah, one of the things that I keep -
20 - I (inaudible) make the process less intimidating,
21 (inaudible) go to the point of saying it was more defined
22 for me (inaudible), you know, (inaudible) and the district
23 has money so he files three due processes, one after another
24 -- same on -- (inaudible) because they have -- and they
25 (inaudible) out of the blue, you receive a due process and

1 you don't really know (inaudible) you realize it's just a
2 money game. It's just running you bankrupt, and so for me
3 it was -- you know, the whole -- then I began to read and --
4 you know, I am literate, but it's still a (inaudible). It's
5 different; it's not my field.

6 You know, and I am (inaudible) but it's still not
7 -- you know, I can understand technology, but it's the
8 (inaudible). And what they said about it's not a black
9 letter of the law like somebody said. It's the (inaudible)
10 because, like, to me if it's digital I would say, okay, one
11 plus one is always two, but it's not because I read some
12 cases -- where hearings (inaudible) parents and the ruling
13 was vary harsh against the parents. That's what put me off
14 the (inaudible).

15 And then the cases that went for the district, I
16 don't -- I (inaudible) compare apples with apples. Okay.
17 This is a -- or this (inaudible) what do you call that --
18 (inaudible) against the parent, and the ruling was so harsh.
19 And this went against the district but the rulings was so
20 much milder.

21 So it just seems like -- just coming from an
22 outside perspective, that the scales are always tilted
23 against the parent. And if OAH can do something to -- and
24 then imagine that I know of (inaudible) workshop and I've
25 met a lot of parents, and Spanish is not the only language.

1 There's a lot of new immigrants coming into the country.
2 And there are people from southwest Asia whose -- you know,
3 (inaudible) translation of that (inaudible). But they are
4 so afraid, so they end up accepting something.

5 I (inaudible) it's not so much OAH, it's the long
6 term fear of future that has an (inaudible) that's autism,
7 that's one (inaudible). I mean, if you don't do something
8 better about the process, about special education, imagine
9 20 years. I mean, that's the new number that came out that
10 one in fifty will be diagnosed or is being diagnosed on the
11 spectrum. Imagine 20 years later we will have a population
12 of -- you know, our future population without proper
13 education whose parents have (inaudible) because of this due
14 processes so (inaudible) and because the district have the
15 money, I don't think they (inaudible) but they do have the
16 money to file. But parents cannot always because getting
17 representation is so expensive. I mean, it's unbelievable.

18 So there should be (inaudible) to make more parent
19 represent themselves, and I don't know the solution, I do
20 (inaudible) recommendation, but I also see the points that
21 you're making and I know it's not a simple process. But if
22 you don't venture with the difficult process now,
23 (inaudible) left with a generation with lots of problems.
24 And solving those problems later, in 20 years, in 25 years,
25 is going to be hard on anyone -- the community, the school

1 district, everybody.

2 You know, they say it takes a village to raise a
3 child; it truly does take -- and especially a special needs
4 child. So if there something in OAH -- you know, some
5 examples were like, you know, my district filed and they
6 asked (inaudible). We have a genuine reason to (inaudible)
7 continuance the (inaudible). Simple things like that.

8 Some day there should be -- I -- because I can't
9 (inaudible) the word, I just feel that there is a
10 (inaudible) of how many filing are being filed, that kind of
11 -- you know, flags the system and gives you -- again, my
12 background is economics -- statistics always give you some
13 information, and if there is something of (inaudible)
14 something, you know, but at least making the first
15 (inaudible) to what's making the process easier and
16 encouraging unrepresented parents to be in the process in
17 the hearing would help it.

18 Because right now I don't think justice -- I mean,
19 we are -- like somebody mentioned, I think it became
20 (inaudible) getting lost in all the (inaudible) and stuff.
21 This whole process exists to educate the child, and we are -
22 - I think somewhere we are losing that.

23 Our focus should be the child getting timely
24 education, and you know -- and support, and that support
25 isn't (inaudible) if we can do anything to alleviate -- and

1 the child's first support is always the family. You need
2 not like the parent, but the parent is, and keeping the
3 child and the parent is more economically efficient than
4 trying to (inaudible).

5 So that's -- I don't know if -- all I've said is I
6 do understand the concerns, but I highly (inaudible) Ms.
7 Murai's, at least, suggestion to bring in this to the
8 forefront because it's the -- there are a lot of
9 unrepresented parents who are not getting justice, and their
10 children and not -- and it's not benefitting the community
11 and society and (inaudible).

12 ADMINISTRATIVE LAW JUDGE BREEN: Thanks, Ms.
13 Pusgar. Any other public comment before we turn it back to
14 Northern California? Okay. Hearing none, Judge Kopec, back
15 to Northern California.

16 ADMINISTRATIVE LAW JUDGE KOPEC: Actually at this
17 point I turn it back to Southern California to go ahead and
18 vote.

19 ADMINISTRATIVE LAW JUDGE BREEN: I have -- I
20 immediately had to hands up upon your lets vote suggestion.
21 Are we ready, or do we want to go -- we're going to go back
22 to more committee member comment?

23 ADMINISTRATIVE LAW JUDGE KOPEC: Do you have
24 committee members who need to comment?

25 ADMINISTRATIVE LAW JUDGE BREEN: I do, and I'll

1 just make the suggestion; we've got to keep it brief only
2 because there's more to cover on the agenda. Correct?

3 ADMINISTRATIVE LAW JUDGE KOPEC: Right. And we're
4 long overdue for our mid-morning break. So --

5 ADMINISTRATIVE LAW JUDGE BREEN: Right. All of
6 those concerns together. So --

7 ADMINISTRATIVE LAW JUDGE KOPEC: I guess what I
8 would emphasize is that we need to limit the comments to any
9 new information rather than rehashing what's already been
10 said.

11 ADMINISTRATIVE LAW JUDGE BREEN: Okay. With those
12 limitation in mind, any further comment from the Southern
13 California committee? And Ms. Adams was first?

14 MS. ADAMS: Mine is just a question. Just if we
15 could clarify the motion, because we've had a lot of
16 discussion and good thoughts about whether the Advisory
17 Committee should be involved, so I'm wondering are we going
18 to split the motion out just into whether it's more outreach
19 or specifically to include the Advisory Committee?

20 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And, Judge
21 Kopec, do you want me to address that now?

22 ADMINISTRATIVE LAW JUDGE KOPEC: Yeah. I mean,
23 it's my understanding --

24 ADMINISTRATIVE LAW JUDGE BREEN: The question was
25 -- go ahead --

1 ADMINISTRATIVE LAW JUDGE KOPEC: Go ahead, Judge
2 Breen.

3 ADMINISTRATIVE LAW JUDGE BREEN: Oh, no -- I was
4 going to reiterate it as the proposal as stated was -- it
5 wasn't split out, it was that OAH begin doing outreach to
6 parties and that advisory committee members also
7 participate. That's the way I understood the proposal. Is
8 that right, Judge Kopec?

9 ADMINISTRATIVE LAW JUDGE KOPEC: And I added that
10 Advisory Committee members participate as appropriate. And
11 you know, that would include -- you know, that they would
12 understand their role, that they would do it as they were
13 available, that type of thing.

14 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Does that
15 answer your concern, Ms. Adams?

16 MS. ADAMS: I think so. Thank you.

17 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And then,
18 Ms. Murai?

19 MS. MURAI: Yeah -- I mean, I guess because it's
20 my motion I just kind of want to clarify. That I just think
21 this would be a starting point and that I -- it's not OAH
22 training -- it's not trainings that are going to explain how
23 to enter evidence. That's Valerie's concern. It's
24 trainings that will just explain the procedure; resolution
25 session is 14 days within the filing -- you know, exhibits

1 have to be submitted at this date. It's what's in the
2 guide; it's nothing taken out. And I just want to clarify
3 that.

4 I'm not saying that the black letter law is the
5 (inaudible) it's just -- and I agree about (inaudible) is
6 different, but I think there are certain things, just basic
7 things, that are not known and that's what prohibits certain
8 sides from, you know, going forward.

9 So that's just what I want to clarify, is I'm not
10 suggesting at all that we're giving legal -- well, it is
11 legal advice in that sense, but I'm not suggesting that
12 we're explaining how to enter evidence. That's -- I don't
13 think that would be appropriate.

14 And finally just to clarify, parents concerns
15 about UPL, I don't think UPL should be (inaudible) of law,
16 and that's why I suggested the idea that if this
17 recommendation is -- is that OAH likes it that the parents
18 would be paired with people so that they're not out there.

19 And one the suggestions that I thought in my mind
20 is maybe we can have the video done by OAH and that video
21 can just presented at -- you know, forums that parents
22 attend. And so it's not a live person talking, but it's
23 that video. But just something, it's a starting ground,
24 just so we can outreach to the parents and that they know --
25 they know of their rights. I'm done.

1 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And -- and
2 -- I got another hand, and again, let's keep it quick, Ms.
3 Adams.

4 MS. ADAMS: Sorry. So as appropriate
5 participation, that's what I'm having trouble with. I guess
6 it's very vague. So it would just be determined -- I think
7 our committee, if we do participate, should be very limited.
8 And so if that's what as appropriate means -- I'm not really
9 sure.

10 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Ms. Adam's
11 comment, Judge Kopec, was on use of the work appropriate in
12 the proposal.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Actually what I
14 will do is I will defer to Ms. Murai, if she would like to
15 restate her recommendation so that everybody understands
16 what will be voted on.

17 MS. MURAI: That OAH begin doing outreach to the
18 community and Advisory Committee members participate as
19 appropriate, that's what Judge Breen said --

20 ADMINISTRATIVE LAW JUDGE BREEN: In other words,
21 Ms. Murai, final tweaks to the proposal before we vote.

22 MS. MURAI: How about this? OAH began [sic] doing
23 outreach to the community and there will be further
24 discussion as to how to establish it, or something like
25 that? So -- because I don't want this to be -- I hope this

1 recommendation passes because I just -- I don't want -- like
2 I see your vagueness with -- as appropriate too, so I'm
3 trying to help -- what do you suggest?

4 MS. ADAMS: (Overlapping) just dropping out the
5 Advisory Committee for starters and --

6 MS. MURAI: Okay.

7 MS. ADAMS: -- then if that's to be determined
8 later, that could be a separate motion that's (inaudible)
9 having a little trouble with --

10 MS. MURAI: Okay. Yeah, that's fine. That OAH
11 begin doing outreach to community through trainings --
12 through parent trainings --

13 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Judge
14 Kopec, did you hear that? It's basically a proposal to
15 modify the recommendation to -- to read only that OAH begin
16 doing outreach to the community. And anything to add on
17 that, Ms. Adams or Ms. Murai?

18 MS. MURAI: I mean, my only reason why I included
19 the Advisory Committee members is because when I looked at
20 the website we did have a community outreach project, but it
21 was cut because of budgets, and so that's why I'm trying to
22 figure out how we can still revamp it, but take into
23 consideration the budgetary constraints. So --

24 ADMINISTRATIVE LAW JUDGE BREEN: Do you want to
25 change it to OAH begin doing outreach to the community and

1 consider using Advisory --

2 MS. MURAI: Yes.

3 ADMINISTRATIVE LAW JUDGE BREEN: -- Committee
4 members? Consider using Advisory Committee members as
5 participants? Does that work for you?

6 UNIDENTIFIED FEMALE: Yeah.

7 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Is that
8 seconded? Mr. Economou you still second that?

9 MR. ECONOMOU: Yeah.

10 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Does that
11 work for you, Judge Kopec?

12 ADMINISTRATIVE LAW JUDGE KOPEC: If that's -- I
13 mean, that's fine. I think everybody -- it's very clearly
14 stated, and I think we're ready to vote.

15 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Okay. In
16 Southern California voting on the proposal as just stated,
17 all in favor? That's Lally, Adams, Miry, and Economou. And
18 against? And that's Ms. Dalton. Okay. And turning it over
19 to Northern California for voting.

20 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Northern
21 California, all those in favor please raise your hand. And
22 we have nobody in favor. All those opposed? And that's all
23 members. Okay.

24 As I indicated, we're long overdue for what I had
25 planned as a mid-morning break. Our clock indicates it's

1 ten to 12:00. What I'd like to do is take ten minutes,
2 resume at 12:00 and then rest of the agenda I'm hoping can
3 be fairly straightforward, in that I just want to provide
4 some information to the committee about some changes to our
5 forms. Okay? We'll be in recess for ten minutes.

6 ADMINISTRATIVE LAW JUDGE BREEN: Thank you, Judge
7 Kopec.

8 **(Off the Record)**

9 ADMINISTRATIVE LAW JUDGE BREEN: Okay. We're
10 ready, Judge Kopec.

11 ADMINISTRATIVE LAW JUDGE KOPEC: All right. We
12 have returned from a short break. And now we are turning to
13 -- I guess it would be the OAH portion of the agenda.

14 The items identified are some revised forms. This
15 is in agenda item 3-D. There are four revised forms that I
16 just want to bring to your attention and highlight the
17 changes. These revisions were made in an effort to provide
18 to -- actually to answer some of the concerns that have been
19 expressed today about providing additional information to
20 all parties, including -- oh, I'm sorry -- before I get
21 there, Judge Varma reminded me I skipped over item 3-C.

22 So actually this is an item where I am looking for
23 feedback from the committee. And it has to do with one of
24 our forms. We are looking at all of our forms. And we
25 currently identify on the initially scheduling order, we

1 assign each case that has mediation to an Administrative Law
2 Judge mediator. And I -- this was decided a while ago at
3 the beginning of the program, and I believe it came out of a
4 recommendation from this committee so that the parties would
5 know who the mediator was going to be.

6 As any of you who have participated in a mediation
7 and due process hearing, you are aware that because of the
8 fluidity of calendar, and particularly during times like now
9 when we are very, very busy, we are reassigning mediators.
10 Either reassigning different Administrative Law Judges as
11 mediators, or assigning -- reassigning it from an
12 Administrative Law Judge to one of our pro-tem
13 Administrative Law Judges.

14 So in looking at that process we are considering
15 not assigning mediators at the initial scheduling order.
16 And as you know that initial scheduling order is set out --
17 sent out immediately upon a case being filed. So the two
18 main reasons are realizing that I must -- you know, off -- I
19 believe that in a very small minority of cases does that
20 initial mediator assignment remain the same.

21 And secondly, in having that process, there is a
22 workload. We have an analyst who -- and this -- the clerks
23 -- actually, no, the analyst makes the assignment, the
24 clerks send the information to the analyst, she has to then
25 look on the calendar, identify which judge is available, and

1 then assigns it.

2 And then as either Judge Newlove or myself, who
3 have been doing the central calendaring, we then when we
4 come to finalize the calendar probably notice that that ALJ
5 has multiple items, and at that time something has to be
6 reassigned. And so the mediator changes.

7 So I do know -- particularly I'm very aware of the
8 fact that since this was in -- we started this process in
9 response to concerns from the community, I would be very
10 interested in your thoughts concerning whether you would
11 think that -- what impact, frankly, if we were to not assign
12 the initial mediator in that scheduling order, what impact
13 that might have, if any, on having matters go through the
14 Office of Administrative Hearings.

15 So starting in Northern California, does anyone
16 have any comments about it? Ms. Gutierrez?

17 MS. GUTIERREZ: Well, we -- I do like to know who
18 is going to be the mediator prior to mediation, and I'm
19 trying to remember what your initial process was, if you
20 could maybe go back to that. I thought initially OAH would
21 let us know who the mediator was before mediation, but
22 perhaps not with the initial scheduling order.

23 Of course, anything that can be done to ease the
24 burden of your staff, to make OAH more effective, I think is
25 helpful to all of the parties. But I do think that there is

1 some value in knowing who the mediator is prior to
2 mediation. So that people can request changes if necessary.
3 So what would be a possible alternative to the current
4 process?

5 ADMINISTRATIVE LAW JUDGE KOPEC: What -- currently
6 once anything is assigned, whether it be at the time of the
7 initial scheduling order or later, there -- it's immediately
8 -- and I believe it's in real time, will show up on our
9 calendar, which is accessible through the web. So that is
10 one thing.

11 The second thing is that prior to the mediation,
12 usually within a week, either the assigned mediator, ALJ
13 mediator, or his calendar clerk will contact the parties to
14 find out whether the mediation is going forward. And then
15 if it is a mediator who's making that call, we'll do any
16 mediation convening, find out what (inaudible) discussion
17 have happened, and whatnot.

18 So those are the two other opportunities for
19 parties to be aware of who the assigned mediator is. And
20 that was also part of our thinking. So, Ms. Gutierrez?

21 MS. GUTIERREZ: Thank you for sharing that and
22 reminding me of that. I would propose then that we go --
23 that that process that you've just described is sufficient,
24 and that there's no reason to identify the name of the
25 mediator on the initial scheduling order.

1 MS. MULHOLLEN: And I agree, because particularly
2 lately, even who's on the calendar on the day of the
3 mediation is not who shows up. And -- well, I mean, that's
4 just -- it happens, right? You know, more so this spring
5 than I've had before is a lot of my parents are very
6 proactive, so they try find things out about the mediator,
7 and then they're very confused when the mediator doesn't
8 come in, because they haven't discussed it with me.

9 So it's sort of -- I agree with Marcy, it would be
10 nice to know ahead of time who it is, but it's sort of --
11 because of the way the system works, it's sort of more
12 problematic than it's worth right now to have the mediator
13 listed. So I agree with her, as that the calendar system
14 makes more sense.

15 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Ms.
16 Gutierrez, do you want to propose that as a recommendation
17 or just as a discussion item?

18 MS. GUTIERREZ: As a recommendation.

19 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So your
20 recommendation is that -- that --

21 MS. GUTIERREZ: The initial --

22 ADMINISTRATIVE LAW JUDGE KOPEC: -- OAH no longer
23 identify the mediator on the initial scheduling order, and
24 then -- basically that's it because the other processes will
25 inform the parties, hopefully give them a more accurate

1 assignment as we get closer to the mediation. Is there a
2 second on that?

3 MR. NEUSTADT: Second.

4 MS. MULHOLLEN: Second.

5 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. We have
6 both Mr. Neustadt and Ms. Mulhollen. Okay. Any additional
7 discussion here in Sacramento?

8 MR. NEUSTADT: Just one, if I may, one little
9 suggestion is that we somehow inform folks as to why this
10 change is being made so that they don't see a blank and
11 wonder what's going on. Just some kind of communication.

12 MS. MULHOLLEN: So you mean on the -- so if
13 they're used to seeing the name on it, you want them to
14 somehow indicate so it says, like, TBA, or TBD, or
15 something?

16 MR. NEUSTADT: (Overlapping).

17 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So where
18 we currently have the initial mediator assigned we can just
19 say to be TBD, which is sometimes what happens anyway.
20 Okay. Would that be an amendment to the recommendation?

21 MR. NEUSTADT: If that's acceptable to Marcy?

22 MS. GUTIERREZ: Sure.

23 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Any
24 additional comment here in Sacramento? All right. Judge
25 Breen?

1 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Starting
2 with the committee members, any additional comment on that
3 proposal for Southern California? Ms. Murai?

4 MS. MURAI: (Inaudible) would be willing to amend
5 the recommendation to also include that OAH will no longer
6 identify the mediator in the initial scheduling order, but
7 upon filing of the due process within a certain amount of
8 calendar days we'll put it on the schedule? On the calendar
9 that's also -- that's on line? And also that the person
10 will call.

11 Because I've had -- most of the time I've had
12 clerks call me, but sometimes I don't. And so it would just
13 be helpful that if we're taking away one process we make
14 sure that there's another process. Does that make sense?

15 So I guess -- because I think that -- just as a
16 safeguard that will -- it will be on the -- I've never had a
17 problem with it not being on the calendar. It's always --
18 my cases are on the calendar. But I think I haven't always
19 been called, and contacted, and so I think just make sure
20 that that process is (inaudible) because I actually think
21 calling by the clerk is a better process anyways than the
22 initial scheduling order, because I agree with you, the
23 mediator always -- it does change. So I don't -- does that
24 make sense?

25 ADMINISTRATIVE LAW JUDGE KOPEC: Actually I'm not

1 sure what your recommendation is. You indicated that --

2 MS. MURAI: So I guess --

3 ADMINISTRATIVE LAW JUDGE KOPEC: You're okay with
4 not including it in the scheduling order, but within a
5 certain number of days that we would assign it; so do you
6 have a specific timeframe that you're interested in?

7 MS. MURAI: What -- I'm not sure -- I mean, I
8 don't have whatever the (inaudible) I don't -- because I've
9 never had a problem where my cases aren't assigned. Like I
10 always look it up (inaudible) so I think -- I don't know
11 what -- how -- whatever the timeframe currently is. I don't
12 know what -- I don't have (inaudible) --

13 ADMINISTRATIVE LAW JUDGE BREEN: Judge Kopec, can
14 I address that question?

15 ADMINISTRATIVE LAW JUDGE KOPEC: Certainly.

16 ADMINISTRATIVE LAW JUDGE BREEN: It kind of goes
17 back to the introduction, and Ms. Murai was saying, you
18 know, what's the current practice? And that was part of the
19 introduction, was the current practice, yes, a mediator will
20 be selected on most initial scheduling orders; however, due
21 to the rapid changes on the calendar by settlements, and you
22 know, ALJ's get off in hearings, that's going to change
23 generally what -- you know, you -- amongst practitioners you
24 all know it changes.

25 So that's -- that was the whole premise, was that

1 we're sending out a notice, but that's not coming true. And
2 so now I understand you to be saying you still want us to do
3 that initially, but within a certain number of days of the
4 scheduling order?

5 MS. MURAI: Well, I think what I'm saying is that
6 it -- I can -- the initial scheduling order would not have a
7 mediator's date -- mediator, but that it will be available
8 online. Like within a certain period. Does that make
9 sense? So that --

10 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And --

11 MS. MURAI: (Overlapping) say I filed this Friday,
12 the initial scheduling order -- let's say I receive it
13 within a week and it doesn't have the mediator, but at least
14 -- you know, maybe what's better is maybe like prior to five
15 days before the mediation that the assigned mediator will be
16 listed the calendar?

17 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And now
18 let me re-summarize. The -- I understand Ms. Murai's
19 proposal is to modify that OAH would assign a mediator
20 within five days prior to the mediation and post that. Is
21 that correct, Ms. Murai?

22 MS. MURAI: Yes.

23 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Okay. And
24 anything further you want to add on that?

25 ADMINISTRATIVE LAW JUDGE KOPEC: Ms. Gutierrez, is

1 that acceptable amendment to you?

2 MS. GUTIERREZ: I just think it's unnecessary, and
3 I think it will be more cumbersome on OAH. I of course -- I
4 think we've all agreed that, at least (inaudible)
5 discussion, that we'd like to know who the mediator is
6 beforehand, but it sounds like you already have a procedure
7 in place that will allow us to know who the mediator is and
8 I don't know if we need to set an arbitrary timeline,
9 because you guys already have so many other timelines to
10 follow.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So you
12 would not accept that amendment?

13 MS. GUTIERREZ: No.

14 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

15 MS. MULHOLLEN: Can I ask a clarification?

16 ADMINISTRATIVE LAW JUDGE KOPEC: Just one minute.

17 Ms. Murai, after we vote on this, if you want to present
18 your recommendation and we can vote on that separately,
19 that's what we'll need to do now since Ms. Gutierrez does
20 not want to amend her recommendation. Ms. Mulhollen, did
21 you have a point of procedure, or --

22 MS. MULHOLLEN: Well, I -- well, I was a little
23 confused. Does the taking the name off the initial
24 scheduling order change the procedure on (inaudible) the
25 mediator would still be assigned?

1 ADMINISTRATIVE LAW JUDGE KOPEC: No. The
2 mediator --

3 MS. MULHOLLEN: Oh, okay.

4 ADMINISTRATIVE LAW JUDGE KOPEC: What will happen
5 is that the mediator will not be assigned a week -- as soon
6 as we -- within a week of getting the case, which is when
7 the scheduling order goes out. The general practice is that
8 we begin finalizing the calendar one week ahead of time. So
9 all this week Judge Newlove has been working on the
10 calendar. Usually by Friday the goal is to have everything
11 on the calendar, and then as you know, as the week
12 progresses cases settle, continuances come in, and so
13 generally you will have an assigned mediator the week prior,
14 and then it may change as hearings go forward, mediations
15 drop off, there's -- all of that.

16 So you know, our intent is always for the public,
17 and for the sanity of our judges, and pro-tems, to get that
18 schedule finalized as soon as possible. So that is the
19 current practice and the -- my plan would be to continue
20 that practice. Okay.

21 So returning back to Southern California, any
22 comments on the recommendation from committee members?

23 ADMINISTRATIVE LAW JUDGE BREEN: No further
24 comment from committee members. Any comments from the
25 public?

1 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Mr.
2 Atwood, did you want to comment?

3 MR. ATWOOD: I agree that it's pointless to
4 schedule the thing at the time of the order. So that
5 shouldn't be done. Simply because there was no (inaudible)
6 needless changes or we're in conflict anyway.

7 But mediation is fundamentally different from a
8 hearing in a couple of ways. For one thing it's completely
9 voluntary. And it's also a very important place where an
10 awful of lot of (inaudible) things get settled. I've seen
11 very difficult things settled in mediation. So the
12 mediation process can be comfortable for everybody involved;
13 it's going to save a lot of aggravation and (inaudible) for
14 everyone, especially for the hearing office.

15 So I have parents (inaudible) and so a mediator
16 that the parents are afraid of does jeopardize mediation.
17 The point -- one thing I'd like to get thinking about is,
18 first off, certainly don't assign a mediator right away, and
19 secondly, since this reflects reality anyway, it might make
20 sense to say the mediator is going to be one of these two or
21 three. And if anybody really hates one of those mediators,
22 they should be able to say to OAH, could we really do
23 without this person?

24 It would not be -- it would not be a preemptory
25 challenge, you can't just bounce them, but you could say to

1 OAH, you know, one of the parties -- well, you know, I'm
2 afraid of this mediator, I don't like this mediator,
3 (inaudible) somebody else. So the chances of a mediator
4 arriving, especially unrepresented parents, are (inaudible)
5 be afraid of would be greatly improved.

6 It would give you some flexibility in who you
7 actually send, nobody would ever be completely surprised by
8 finding a wholly different person show up at the mediation,
9 and that would improve the chances a lot of times for -- for
10 the parents and everyone to be able to settle down and work
11 the thing out.

12 Because people -- the (inaudible) make people are
13 is that you'll get the substance of thing, and so you can
14 make people less jumpy then (inaudible) less hearing.

15 ADMINISTRATIVE LAW JUDGE BREEN: Any other public
16 comment? Okay, Judge Kopec, no further public comment from
17 Southern California.

18 ADMINISTRATIVE LAW JUDGE KOPEC: Any public
19 comment here?

20 MS. MCNOLTY: I just have one. Linda McNolty
21 (phonetic). It's less about notification, more about
22 scheduling. I just would like -- when scheduling, if
23 possible -- I know how difficult it is, but to consider not
24 having pro-tem judges when a parent is in mediation only,
25 because they -- I feel like they're already disadvantaged by

1 not having counsel representative and I just think to not
2 have a pro-tem judge whenever possible might be a good
3 suggestion.

4 ADMINISTRATIVE LAW JUDGE KOPEC: Thank you.
5 Anything further? Okay. Let's go ahead and take a vote in
6 Northern California.

7 And as I understand Ms. Gutierrez's recommendation
8 it is that no -- OAH no longer indicate the mediator on the
9 initial scheduling order, but instead we will use the
10 acronym TBD, to be determined, and part of that is also we
11 will continue our regular practice to assign a mediator as
12 soon as possible, that the identity of the mediator is
13 indicated on the website, and then if any confirming or
14 convening calls were made at that time, we will indicate who
15 the mediator is.

16 Okay. All those in favor in Northern California,
17 please raise your hand. And it is unanimous. And Judge
18 Breen, Southern California?

19 ADMINISTRATIVE LAW JUDGE BREEN: All those in
20 favor? And that is unanimous as well. All five.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Terrific. Thank
22 you very much. I appreciate the input. All right.

23 Now, let's turn to item 3-D, which has four
24 separate subparts, as I started indicating, that we were in
25 the process of revising many of our forms to provide as much

1 information as possible concerning our procedures to give
2 parties, in particular non-represented parties, an idea of
3 what to expect.

4 And we realize that for those of you who appear
5 regularly before OAH you may be very familiar with these
6 practices and policies, but certainly for non-represented
7 parties, or for districts who do not appear regularly before
8 OAH, we just want to provide the information, a clerical --
9 the calendar staff is always available to answer any
10 questions, either generally or specific procedural
11 questions, but the idea is to make the information available
12 as soon as possible in the process.

13 So the first is OAH's request for a continuance of
14 initial special education due process hearing date, and
15 initial mediation date. This is the request for a
16 continuance form that is sent out in the opening packet and
17 that is available on the website. The first thing we did is
18 to make it clear that it can also be used for mediation only
19 cases. It -- there's nothing ever prohibiting it, but I
20 just wanted to make the point that it can be used to request
21 a continuance for mediation only.

22 It provides information about the days and times
23 that mediations, pre-hearing conferences, and hearings are
24 scheduled. This information is on our website, but I
25 thought if -- particularly for non-represented parties, it

1 would be helpful to know, for example, that pre-hearing
2 conferences are scheduled on Mondays and Wednesdays at 10:00
3 and 11:30 p.m. -- I mean, 10:00 and 1:30 p.m.

4 And it also clarifies the specific order, so that
5 the form will indicate whether the continuance is granted,
6 which means that those dates that are requested will -- were
7 granted, and those are the new dates. It will indicate
8 whether the continuance has been granted, but some or all of
9 the requested dates have been changed. And this is done for
10 operational needs when the calendar is particularly
11 impacted. And then indicating whether the continuance has
12 been denied. And as always there is some explanation given,
13 in terms of whether continuances are denied.

14 Any questions about that? Concerns? Comments?
15 Anything in Southern California?

16 ADMINISTRATIVE LAW JUDGE BREEN: No comments from
17 the committee.

18 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Moving on,
19 perhaps the -- certainly the largest -- the number of
20 changes in our initial scheduling order, because currently,
21 as designed, it really does intend to provide a roadmap and
22 as much information as possible. I know it is already a
23 lengthy document, and I must confess that the changes we
24 have made did not shorten it, but added some additional
25 information.

1 But again, the hope is that providing this
2 information as early as possible in the process will help
3 everyone. And so this is the scheduling order that we just
4 discussed which is set out -- sent out to the parties when
5 cases are opened. You know, our protocol is that cases are
6 opened within 48 hours. So hopefully your receiving it
7 within the first week that a case is filed.

8 As to continuances, we make it clear that we are
9 encouraging the use of the now modified OAH request for
10 continuance form, and we do provide some instructions, in
11 terms of filling out that form, and what part you filled
12 out, depending upon whether you just want to change a
13 mediation, or if you want to change all the dates. We also
14 explained the rules, the law concerning preemptory
15 challenges, indicating that a preemptory challenge, each
16 party gets one, you need to make it at the commencement of
17 the pre-hearing conference, and it also indicates that if
18 OAH reassigns a pre-hearing conference due to a reason other
19 than a preemptory challenge, that a preemptory challenge
20 must be made noon the business day prior to the pre-hearing
21 conference.

22 Which for those of you attorneys and advocates who
23 are familiar with our general OAH regulations, this is --
24 allows for a preemptory challenge a little bit later in the
25 process than what's currently provided in the regulations.

1 And given, again, the fluidity, sometimes at the last minute
2 of our calendar, we felt that we needed to give folks a
3 little extra time.

4 It also provides information regarding the
5 available resources that are on our website, like our
6 parents manual, or flyer, information about mediation, and
7 it gives the link to the special education resources page on
8 our website. It also provides information concerning
9 settlement.

10 There was always a paragraph at the end of the
11 order concerning settlement, but we provide some detail
12 concerning how -- what is required and how the parties need
13 to go about informing OAH of a settlement in order to vacate
14 the dates. And in general it needs to be in writing, we
15 need a withdrawal from the party filing the complaint.

16 If you have a settlement agreement that does not
17 require school board approval, we need a copy of the
18 signature page, And -- showing intent to withdraw, or again
19 we need a withdraw from the filing party. And then for a
20 document that requires school board approval in addition to
21 the document -- the signature page, we also need the date of
22 the board meeting.

23 And for those of you have either practice
24 regularly or have had hearings with OAH within the last
25 several months. This is not new, this is basically

1 reiterating what our policy and practice has been, with the
2 hope that everyone will have it at the beginning and it will
3 be very clear what you need to do in order to vacate your
4 dates when a matter has settled.

5 In addition, there is a paragraph clarifying the
6 requirement for service, specifically indicating that all
7 documents that are sent to OAH have to go to all the
8 parties. We encourage that documents be submitted by fax
9 and indicate that if you do send something in by fax you
10 don't have to send it in my hard copy.

11 Finally, we have a -- and this is the one area
12 that I believe is new, as a result of some recent
13 experiences, and it provides information concerning whether
14 any party feels that there is a need for security for either
15 the mediation or the hearing.

16 We request that the -- the request for security
17 come in writing to OAH, which means a copy is also sent to
18 the other party. We ask for a very brief description of the
19 nature of the request. And the dates and times that
20 security is needed. And this would also pertain if one of
21 the parties obtains security, for example, a school
22 district, that they inform OAH and then of course inform the
23 other party that security will be there. And that is it as
24 to the scheduling order.

25 Do we have any comments, questions, here in

1 Northern California? Yeah, Ms. Gutierrez?

2 MS. GUTIERREZ: One question. When -- are these
3 new forms already being used, or are they going to be used,
4 like, in a week or so?

5 ADMINISTRATIVE LAW JUDGE KOPEC: They are not
6 being used because I wanted to get any input from the
7 advisory committee to see whether you had any concerns.
8 They are basically ready to go. The plan will be that they
9 will be used -- and for example, the request for a
10 continuance form will be posted on the website, the English
11 version will go up right away, and then of course, as with
12 all documents on our website, we will go ahead and translate
13 it into the five most common languages. But as soon as they
14 can be uploaded into our system, we will be -- you will be
15 seeing them.

16 MS. MULHOLLEN: Is there a way to address Miho's
17 concern about the parents missing deadlines? Because it's -
18 - you know it -- pages of here's what to do -- here talking
19 about -- is there a way to highlight or bullet point time
20 lines? You know, evidence must be exchanged within five
21 days? Just so the parents -- that pops out at them?

22 ADMINISTRATIVE LAW JUDGE KOPEC: Actually that's
23 already included.

24 MS. MULLHOLLEN: Okay.

25 ADMINISTRATIVE LAW JUDGE KOPEC: There is a

1 paragraph that talks about pre-hearing conferences, it
2 indicates that pre-hearing conference statements are due
3 three days before, what we need in that, and also included
4 in that is the exchange of documents and witness list. So
5 yeah. Anything else here in Northern California? All
6 right. Judge Breen?

7 ADMINISTRATIVE LAW JUDGE BREEN: Any comments from
8 committee members in Southern California? No comments.

9 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. The next
10 form is the expedited scheduling order and the dual
11 scheduling order. The dual scheduling order is when a party
12 -- a parent request and raises issues that are entitled to
13 an expedited hearing, having to do with the disciplinary
14 process, and then also raise regular issues -- say for
15 example a denial of FAPE for failing to provided needed
16 services or failing to assess.

17 We made very clear -- we clarified the fact that
18 as to the expedited portion, generally continuances are not
19 going to be available because of the timeframe, and indicate
20 -- basically indicate that the continuance won't be
21 available and further indicate that if the circumstances for
22 a continuance in an expedited case have to allow that the
23 hearing begins within 20 school days of the date that we get
24 it.

25 And we -- as those of you who have participated in

1 expedited hearings know, that the date that OAH generally
2 assigns to an expedited hearing is the 19th or 20th day
3 anyway, to provide as much -- you know, a period of
4 preparation for the parties as possible. So usually
5 realistically a continuance is just not possible.

6 And there was some ambiguity and questions about
7 that in our form, and we wanted to make that very clear.
8 And then -- I won't reiterate all the other changes, but
9 basically the same changes we talked about, in terms of
10 security and settlement, and the use of our continuance
11 form, for the regular scheduling order, were also put into
12 the expedited scheduling order and the dual scheduling
13 order. Any comments, Northern California, about that?
14 Southern California?

15 ADMINISTRATIVE LAW JUDGE BREEN: Okay. No
16 comments from the committee members.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. And
18 finally, the notice of mediation without due process
19 hearing, which is short hand notice -- referred to as the
20 mediation only, again -- actually, it includes the same
21 information concerning continuances, encouraging use of the
22 forms, giving information about when mediations are held,
23 clarify requirements about services, that whatever is sent
24 to us needs to be sent to everybody, and also provides
25 information about the request for security process.

1 So any comments? Northern California? Southern
2 California?

3 ADMINISTRATIVE LAW JUDGE BREEN: No comments from
4 Southern California.

5 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. That
6 concludes the agenda. I -- this is an opportunity for
7 public comments. And I'll start in Northern California.
8 Any additional public comments about items not discussed
9 during our meeting? No? Okay. How about Southern
10 California?

11 ADMINISTRATIVE LAW JUDGE BREEN: Okay. Southern
12 California, and I -- okay, and we have a Spanish speaking
13 participant, Ms. Diaz. She's being assisted by an
14 interpreter.

15 MS. DIAZ THROUGH INTERPRETER: On behalf of Ms.
16 Diaz, this is what Ms. Diaz wants to say. The main reason I
17 came here to mediation -- I mean, to this committee because
18 it was to just request that every document that I get from
19 OAH, everything that has to do with mediations, be sent to
20 me in Spanish (inaudible).

21 ADMINISTRATIVE LAW JUDGE BREEN: Okay. On the
22 Northern California end, were you able to hear that?

23 ADMINISTRATIVE LAW JUDGE KOPEC: Actually, it's a
24 little bit difficult to hear. Can it be summarized perhaps?

25 ADMINISTRATIVE LAW JUDGE BREEN: I can, and on

1 behalf of Ms. Diaz through the interpreter, correct me if
2 I'm not properly addressing -- I'm going to slow down
3 because we're using an interpreter.

4 Ms. Diaz's comment was that her main reason for
5 coming here today was to reiterate that she basically needs
6 to get all documents in Spanish, and I think that's the
7 comments being made, I think, on her behalf and other
8 Spanish speakers.

9 MS. DIAZ THROUGH INTERPRETER: Yes, that's
10 correct, Your Honor.

11 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And we
12 verified through Ms. Diaz that that's a correct summary.

13 ADMINISTRATIVE LAW JUDGE KOPEC: Thank you.
14 Anything further in Southern California?

15 ADMINISTRATIVE LAW JUDGE BREEN: Further public
16 comment? And I see Ms. Pusgar; go ahead, Ms. Pusgar.

17 MS. PUSGAR: Well, I was just -- I know that there
18 was a lot of discussion about taking the process and then
19 (inaudible) but again it's all like (inaudible) a foundation
20 is going to be even (inaudible) to show representation of
21 the timelines which regarding (inaudible) from making the
22 process simpler.

23 So you have -- like one thing is that (inaudible)
24 you know, when we design we always have one (inaudible)
25 because -- I'm just using the flowchart action because

1 there's a process flow that follows. If you have that one
2 thing, it's all summarized (inaudible) people understand the
3 process and then go to the representative pages (inaudible),
4 which I haven't read because (inaudible).

5 But you know, all though you say it's simple, so -
6 - and then we (inaudible) that would probably make the whole
7 process less daunting. You know, besides like (inaudible)
8 less daunting through. Less intimidated by the process. So
9 that was my reason to come.

10 But I see the process is and so I feel a -- you
11 know, pictures speak better than words, so -- louder than
12 words, so making that -- that would (inaudible) a lot of
13 community much as the -- you know, I mean, people who have a
14 challenge reading, lots of 50 pages, sometimes they can
15 retain that information, it can be confusing because the
16 words -- like (inaudible) there are so many words
17 (inaudible). Once you start getting confused then you sort
18 of get overwhelmed.

19 But I feel maybe you (inaudible) process and do a
20 flow chart or some (inaudible) that may help the
21 unrepresented parents especially.

22 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And, like
23 we did before, and just to deal with the acoustics, and you
24 know, using a teleconference, Ms. Pusgar, I'm going to
25 briefly summarize that, and correct me if I'm wrong.

1 Ms. Pusgar's comment was that OAH could consider
2 using a -- either like a graphic chart or a flow chart, like
3 what would be used at a software design, to summarize the
4 scheduling points made in the scheduling order so that, you
5 know, parents with literacy issues would have another way to
6 try and understand the material.

7 Does that summarize it accurately, Ms. Pusgar?

8 MS. PUSGAR: (Inaudible) additionally, also the
9 whole process from A to Z, and the whole -- you know, that
10 was what Ms. Murai had brought up, and then we had a longer
11 discussion, and I think that recommendation did not pass.

12 But to begin with making the whole process
13 simpler, just the whole OAH process also could be
14 (inaudible) could also be, you know, represented through --
15 the process could be represented through some flow charting,
16 or some (inaudible).

17 ADMINISTRATIVE LAW JUDGE BREEN: Okay. And thank
18 you for the clarification. The suggestion is also that, you
19 know, for example, our parent guide could include a similar
20 type of use of graphic organization, or flow chart, to
21 explain the process.

22 Thanks, Ms. Pusgar. Any other public comment?
23 Okay. Seeing none in Southern California.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. We
25 have several public comments that came in throughout

1 the meeting that I would like to read at this time.

2 'Dear Committee, what is your committee doing
3 to make the system fairer for families? The
4 system as it is set up is patently unfair and
5 stacked against parents and children. As
6 long as there is unequal access to counsel,
7 unequal access to experts, unequal access to
8 witnesses, unequal access to even observing
9 our children in their special education
10 programs at school, the system is unjust.
11 Teachers, even if they agree with parents
12 about what is most appropriate for the
13 education of our children, rarely side with
14 the child or parents for fear of retaliation
15 and reassignment. They are not going to
16 testify against people who write their
17 paychecks. How can parents be expected to
18 compete against a system that is designed so
19 that districts may use endless amounts of
20 taxpayer money, our money, to fight us? They
21 don't care if they spend \$80,000 of taxpayer
22 money to deny \$10,000 worth of tutoring
23 services to a child. It is an insane, unfair
24 system. People accused of murder are
25 guaranteed the right to counsel, yet parents

1 of children with disabilities who are seeking
2 compliance with State and Federal disability
3 laws are not. Steps must be taken to make
4 the system more equitable.'

5 MR. NEUSTADT: Excuse me, Judge, can -- since
6 these are public comments can you read, please, who they're
7 from?

8 ADMINISTRATIVE LAW JUDGE KOPEC: Actually I am
9 not. I'm not going to identify -- they did not indicate
10 whether they wish to be identified so --

11 MR. NEUSTADT: That's not subject to the Act
12 though?

13 ADMINISTRATIVE LAW JUDGE KOPEC: Actually, I
14 believe the public -- the Open Meeting Act provides that
15 people do not need to identify themselves.

16 MR. NEUSTADT: Thank you.

17 ADMINISTRATIVE LAW JUDGE KOPEC: If I'm not
18 mistaken. The next comment is

19 'How many times can a petitioner file an
20 amended complaint more than five days prior
21 to the due process hearing date, which will
22 case the due process hearing to be continued
23 into the future? Is there a limit? The
24 concern is that the petitioner, just to avoid
25 hearing, continues to add issues three to

1 four, to five times to avoid the hearing
2 date. These actions cause great difficulties
3 for scheduling witnesses and preparing for
4 the hearing date when it is continually moved
5 into the future.'

6 And then it says, 'How is the weather today?
7 It will be 89 and getting hotter here.'

8 And the final comment, 'It may be a good
9 idea to limit the time on comments from members of the
10 public, or this may impact why committee members fail
11 to show up at meetings.'

12 Okay. That's the final comment. The next items
13 on our agenda is the date for the next Advisory Committee
14 meeting. We touched upon this earlier in our discussion and
15 I am proposing Friday, October 11th, which if memory serves
16 me, is the second Friday of October. Any known conflicts or
17 concerns about that date? I'll turn to Southern California.

18 ADMINISTRATIVE LAW JUDGE BREEN: Committee
19 members, any concerns about October 11th? There's -- how
20 about we -- give us about 15 to 30 seconds for --

21 ADMINISTRATIVE LAW JUDGE KOPEC: Okay.

22 ADMINISTRATIVE LAW JUDGE BREEN: -- smart phone
23 and other checking.

24 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. I turned
25 to you because that will was what was happening here.

1 ADMINISTRATIVE LAW JUDGE BREEN: We did have a
2 comment, Judge Kopec, from Ms. Lally only pointing out that
3 it is before a holiday.

4 MS. LALLY: I'm just observing. It's not that I'm
5 not available on Friday, October 11th; I'm just noting that
6 for some people Columbus Day is a three day holiday, and you
7 might have -- if attendance is one of our concerns, it might
8 not be wise to put it on the Friday before a holiday. But
9 that's just -- you know, I do not have an objection to it or
10 a scheduling conflict, I'm just making that observation.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Thank you.

12 ADMINISTRATIVE LAW JUDGE BREEN: Okay --

13 MS. MULHOLLEN: I would bring up if it's a weekend
14 some of us who are travelling far would then be caught in
15 the traffic of people leaving to go away for a long weekend,
16 and I kind of would care about that on the way home.

17 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. Any
18 comments from Southern California?

19 ADMINISTRATIVE LAW JUDGE BREEN: No further
20 comments. And no one's expressed unavailability.

21 ADMINISTRATIVE LAW JUDGE KOPEC: Okay. So anyone
22 right now have plans so that this would be a problem? Okay.
23 At this point I will leave it as the -- as the meeting date.
24 If there is any change I will do that as soon as possible
25 and let the committee members know.

1 All right. At this point I'd like to once again
2 thank the Advisory Committee members and to encourage those
3 of you who -- this is the conclusion of your second year
4 that you consider and reapply for the committee because it
5 ensures that type of continuity which I think we all benefit
6 from.

7 I want to thank members of the public, both in
8 Sacramento and Van Nuys, and those of you who have been
9 following us on our webinar. So the meeting is adjourned.

10 ADMINISTRATIVE LAW JUDGE BREEN: Thank you.

11 ADMINISTRATIVE LAW JUDGE KOPEC: Thanks everyone.

12
13 (Whereupon, the meeting
14 was adjourned.)

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CERTIFICATE OF TRANSCRIPT

This is to certify that I, Corinne Yanosy, transcribed the tape-recorded public meeting of the Special Education Advisory Committee dated May 10, 2013; that the pages numbered 4 through 106 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.



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June 16, 2013
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